

1                   **UTAH INLAND PORT AUTHORITY AMENDMENTS**

2                                   2023 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: Jerry W. Stevenson**

5                                   House Sponsor: Mike Schultz

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7   **LONG TITLE**

8   **General Description:**

9           This bill modifies provisions relating to the Utah Inland Port Authority.

10 **Highlighted Provisions:**

11       This bill:

- 12           ▶ modifies definitions applicable to the Utah Inland Port Authority;
- 13           ▶ eliminates language relating to the forgiveness of a loan from the inland port
- 14 infrastructure loan fund;
- 15           ▶ enacts a provision relating to services to be provided the Authority by specified state
- 16 agencies;
- 17           ▶ requires the Authority board to adopt a procurement policy;
- 18           ▶ modifies board quorum provisions;
- 19           ▶ modifies provisions relating to the loan committee for loans from the inland port
- 20 infrastructure revolving loan fund and requires the approval of the Authority board
- 21 and the Executive Appropriations Committee for a loan from the fund;
- 22           ▶ repeals a provision relating to projects benefitting authority jurisdictional land;
- 23           ▶ modifies the allowable uses of authority funds, including the use of funds for a
- 24 conservation easement;
- 25           ▶ eliminates the requirement for property owner approval for inclusion of the owner's
- 26 property in a project area but requires the Authority to exclude property from a
- 27 proposed project area if the owner requests to have the property excluded from a
- 28 proposed project area;
- 29           ▶ modifies the allowable uses of property tax differential;

- 30           ▶ authorizes the Authority to create a remediation project area for the remediation of
- 31 contaminated land and provides for property tax differential to be used to repay
- 32 remediation costs;
- 33           ▶ provides immunity for a government owner of contaminated land under certain
- 34 circumstances;
- 35           ▶ modifies provisions relating to property tax differential to be paid to the Authority
- 36 from authority jurisdictional land and from areas outside authority jurisdictional
- 37 land;
- 38           ▶ modifies provisions relating to a business recruitment incentive;
- 39           ▶ repeals obsolete language and makes other technical and conforming changes;
- 40           ▶ modifies public infrastructure district provisions relating to the Authority;
- 41           ▶ includes the Authority as a qualifying jurisdiction under provisions relating to the
- 42 nondisclosure of certain tax information; and
- 43           ▶ provides for the transfer of funds from the State Infrastructure Bank Fund to the
- 44 inland port infrastructure revolving loan fund.

**45 Money Appropriated in this Bill:**

46           None

**47 Other Special Clauses:**

48           This bill provides a special effective date.

**49 Utah Code Sections Affected:**

50 AMENDS:

- 51           **11-58-102**, as last amended by Laws of Utah 2022, Chapter 82
- 52           **11-58-106**, as last amended by Laws of Utah 2022, Chapters 82 and 207
- 53           **11-58-205**, as last amended by Laws of Utah 2022, Chapter 82
- 54           **11-58-206**, as last amended by Laws of Utah 2019, Chapter 399
- 55           **11-58-302**, as last amended by Laws of Utah 2022, Chapter 82
- 56           **11-58-303**, as last amended by Laws of Utah 2022, Chapter 82
- 57           **11-58-501**, as last amended by Laws of Utah 2019, Chapter 399

- 58 **11-58-505**, as last amended by Laws of Utah 2020, Chapter 126
- 59 **11-58-601**, as last amended by Laws of Utah 2022, Chapter 82
- 60 **11-58-602**, as last amended by Laws of Utah 2022, Chapter 82
- 61 **11-58-603**, as enacted by Laws of Utah 2022, Chapter 82
- 62 **11-58-604**, as enacted by Laws of Utah 2022, Chapter 82
- 63 **17D-4-201**, as renumbered and amended by Laws of Utah 2021, Chapter 314
- 64 **17D-4-203**, as last amended by Laws of Utah 2022, Chapter 82
- 65 **59-1-403**, as last amended by Laws of Utah 2022, Chapter 447
- 66 **63A-3-401.5**, as last amended by Laws of Utah 2022, Chapters 82 and 237
- 67 **63A-3-402**, as last amended by Laws of Utah 2022, Chapter 237
- 68 **63B-27-101**, as last amended by Laws of Utah 2022, Chapter 463
- 69 **63G-7-201**, as last amended by Laws of Utah 2021, Chapter 352
- 70 **72-2-202**, as last amended by Laws of Utah 2022, Chapter 463

71 ENACTS:

- 72 **11-58-600.5**, Utah Code Annotated 1953
- 73 **11-58-600.7**, Utah Code Annotated 1953
- 74 **11-58-605**, Utah Code Annotated 1953
- 75 **11-58-606**, Utah Code Annotated 1953
- 76 **78B-6-2401**, Utah Code Annotated 1953
- 77 **78B-6-2402**, Utah Code Annotated 1953

78 REPEALS:

- 79 **11-58-207**, as enacted by Laws of Utah 2018, Chapter 179



81 *Be it enacted by the Legislature of the state of Utah:*

82 Section 1. Section **11-58-102** is amended to read:

83 **11-58-102. Definitions.**

84 As used in this chapter:

- 85 (1) "Authority" means the Utah Inland Port Authority, created in Section **11-58-201**.

86 (2) "Authority jurisdictional land" means land within the authority boundary  
87 delineated:

88 (a) in the electronic shapefile that is the electronic component of H.B. 2001, Utah  
89 Inland Port Authority Amendments, 2018 Second Special Session; and

90 (b) beginning April 1, 2020, as provided in Subsection [11-58-202\(3\)](#).

91 (3) "Base taxable value" means:

92 (a) (i) except as provided in Subsection (3)(a)(ii), for a project area that consists of the  
93 authority jurisdictional land, the taxable value of authority jurisdictional land in calendar year  
94 2018; and

95 (ii) for an area described in [~~Subsection [11-58-601\(5\)](#)] [Section 11-58-600.7](#), the  
96 taxable value of that area in calendar year 2017; or~~

97 (b) for a project area that consists of land outside the authority jurisdictional land, the  
98 taxable value of property within any portion of a project area, as designated by board  
99 resolution, from which the property tax differential will be collected, as shown upon the  
100 assessment roll last equalized before the year in which the authority adopts a project area plan  
101 for that area.

102 (4) "Board" means the authority's governing body, created in Section [11-58-301](#).

103 (5) "Business plan" means a plan designed to facilitate, encourage, and bring about  
104 development of the authority jurisdictional land to achieve the goals and objectives described  
105 in Subsection [11-58-203\(1\)](#), including the development and establishment of an inland port.

106 (6) "Contaminated land" means land:

107 (a) within a project area; and

108 (b) that contains hazardous materials, as defined in Section [19-6-302](#), hazardous  
109 substances, as defined in Section [19-6-302](#), or landfill material on, in, or under the land.

110 [~~(6)~~] (7) "Development" means:

111 (a) the demolition, construction, reconstruction, modification, expansion, or  
112 improvement of a building, utility, infrastructure, landscape, parking lot, park, trail,  
113 recreational amenity, or other facility, including public infrastructure and improvements; and

114 (b) the planning of, arranging for, or participation in any of the activities listed in  
115 Subsection ~~[(6)]~~ (7)(a).

116 ~~[(7)]~~ (8) "Development project" means a project for the development of land within a  
117 project area.

118 ~~[(8)]~~ (9) "Inland port" means one or more sites that:

119 (a) contain multimodal facilities, intermodal facilities, or other facilities that:

120 (i) are related but may be separately owned and managed; and

121 (ii) together are intended to:

122 (A) allow global trade to be processed and altered by value-added services as goods  
123 move through the supply chain;

124 (B) provide a regional merging point for transportation modes for the distribution of  
125 goods to and from ports and other locations in other regions;

126 (C) provide cargo-handling services to allow freight consolidation and distribution,  
127 temporary storage, customs clearance, and connection between transport modes; and

128 (D) provide international logistics and distribution services, including freight  
129 forwarding, customs brokerage, integrated logistics, and information systems; and

130 (b) may include a satellite customs clearance terminal, an intermodal facility, a  
131 customs pre-clearance for international trade, or other facilities that facilitate, encourage, and  
132 enhance regional, national, and international trade.

133 ~~[(9)]~~ (10) "Inland port use" means a use of land:

134 (a) for an inland port;

135 (b) that directly implements or furthers the purposes of an inland port, as stated in

136 Subsection ~~[(8)]~~ (9);

137 (c) that complements or supports the purposes of an inland port, as stated in Subsection  
138 ~~[(8)]~~ (9); or

139 (d) that depends upon the presence of the inland port for the viability of the use.

140 ~~[(10)]~~ (11) "Intermodal facility" means a facility for transferring containerized cargo  
141 between rail, truck, air, or other transportation modes.

142            (12) "Landfill material" means garbage, waste, debris, or other materials disposed of or  
143 placed in a landfill.

144            [~~(11)~~] (13) "Multimodal facility" means a hub or other facility for trade combining any  
145 combination of rail, trucking, air cargo, and other transportation services.

146            [~~(12)~~] (14) "Nonvoting member" means an individual appointed as a member of the  
147 board under Subsection [11-58-302\(3\)](#) who does not have the power to vote on matters of  
148 authority business.

149            [~~(13)~~] (15) "Project area" means:

150            (a) the authority jurisdictional land, subject to Section [11-58-605](#); or

151            (b) land outside the authority jurisdictional land, whether consisting of a single  
152 contiguous area or multiple noncontiguous areas, described in a project area plan or draft  
153 project area plan, where the development project set forth in the project area plan or draft  
154 project area plan takes place or is proposed to take place.

155            [~~(14)~~] (16) "Project area budget" means a multiyear projection of annual or cumulative  
156 revenues and expenses and other fiscal matters pertaining to the project area.

157            [~~(15)~~] (17) "Project area plan" means a written plan that, after its effective date, guides  
158 and controls the development within a project area.

159            [~~(16)~~] (18) "Property tax" includes a privilege tax and each levy on an ad valorem basis  
160 on tangible or intangible personal or real property.

161            [~~(17)~~] (19) "Property tax differential":

162            (a) means the difference between:

163            (i) the amount of property tax revenues generated each tax year by all taxing entities  
164 from a project area, using the current assessed value of the property; and

165            (ii) the amount of property tax revenues that would be generated from that same area  
166 using the base taxable value of the property; and

167            (b) does not include property tax revenue from:

168            (i) a county additional property tax or multicounty assessing and collecting levy  
169 imposed in accordance with Section [59-2-1602](#);

170 (ii) a judgment levy imposed by a taxing entity under Section 59-2-1328 or 59-2-1330;

171 or

172 (iii) a levy imposed by a taxing entity under Section 11-14-310 to pay for a general  
173 obligation bond.

174 ~~[(18)]~~ (20) "Public entity" means:

175 (a) the state, including each department, division, or other agency of the state; or

176 (b) a county, city, town, metro township, school district, local district, special service  
177 district, interlocal cooperation entity, community reinvestment agency, or other political  
178 subdivision of the state, including the authority.

179 ~~[(19)]~~ (21) (a) "Public infrastructure and improvements"~~[(a)]~~ means infrastructure,  
180 improvements, facilities, or buildings that:

181 (i) ~~(A)~~ benefit the public~~[-, and (ii) (A)]~~ and are owned by a public entity or a utility; or

182 (B) benefit the public and are publicly maintained or operated by a public entity; or

183 (ii) (A) are privately owned;

184 (B) benefit the public;

185 (C) as determined by the board, provide a substantial benefit to the development and  
186 operation of a project area; and

187 (D) are built according to applicable county or municipal design and safety standards.

188 (b) "Public infrastructure and improvements" includes:

189 (i) facilities, lines, or systems that provide:

190 (A) water, chilled water, or steam; or

191 (B) sewer, storm drainage, natural gas, electricity, energy storage, renewable energy,  
192 microgrids, or telecommunications service;

193 (ii) streets, roads, curb, gutter, sidewalk, walkways, solid waste facilities, parking  
194 facilities, rail lines, intermodal facilities, multimodal facilities, and public transportation  
195 facilities;

196 (iii) an inland port; and

197 (iv) infrastructure, improvements, facilities, or buildings that~~[-(A) are privately~~

198 owned; (B) benefit the public; (C) as determined by the board, provide a substantial benefit to  
199 the development and operation of a project area; and (D) are built according to the applicable  
200 county or municipal design and safety standards for public infrastructure.] are developed as  
201 part of a remediation project.

202 (22) "Remediation" includes:

203 (a) activities for the cleanup, rehabilitation, and development of contaminated land;

204 and

205 (b) acquiring an interest in land within a remediation project area.

206 (23) "Remediation differential" means property tax differential generated from a  
207 remediation project area.

208 (24) "Remediation project" means a project for the remediation of contaminated land  
209 that:

210 (a) is owned by:

211 (i) the state or a department, division, or other instrumentality of the state;

212 (ii) an independent entity, as defined in Section [63E-1-102](#); or

213 (iii) a political subdivision of the state; and

214 (b) became contaminated land before the owner described in Subsection (24)(a)  
215 obtained ownership of the land.

216 (25) "Remediation project area" means a project area consisting of contaminated land  
217 that is or is expected to become the subject of a remediation project.

218 ~~[(20)]~~ (26) "Shapefile" means the digital vector storage format for storing geometric  
219 location and associated attribute information.

220 ~~[(21)]~~ (27) "Taxable value" means the value of property as shown on the last equalized  
221 assessment roll.

222 ~~[(22)]~~ (28) "Taxing entity":

223 (a) means a public entity that levies a tax on property within a project area; and

224 (b) does not include a public infrastructure district that the authority creates under Title  
225 17D, Chapter 4, Public Infrastructure District Act.

226           ~~[(23)]~~ (29) "Voting member" means an individual appointed or designated as a member  
227 of the board under Subsection [11-58-302\(2\)](#).

228           Section 2. Section **11-58-106** is amended to read:

229           **11-58-106. Loan approval committee -- Approval of infrastructure loans.**

230           (1) As used in this section:

231           (a) "Borrower" means the same as that term is defined in Section [63A-3-401.5](#).

232           (b) "Infrastructure loan" means the same as that term is defined in Section  
233 [63A-3-401.5](#).

234           (c) "Infrastructure project" means the same as that term is defined in Section  
235 [63A-3-401.5](#).

236           (d) "Inland port fund" means the same as that term is defined in Section [63A-3-401.5](#).

237           ~~[(d)]~~ (e) "Loan approval committee" means a committee ~~[consisting of the individuals~~  
238 ~~who are the voting members of the board]~~ established under Subsection (2).

239           (2) (a) The authority shall establish a loan committee consisting of:

240           (i) two individuals with expertise in public finance or infrastructure development,  
241 appointed by the governor;

242           (ii) one individual with expertise in public finance or infrastructure development,  
243 appointed by the president of the Senate;

244           (iii) one individual with expertise in public finance or infrastructure development,  
245 appointed by the speaker of the House of Representatives; and

246           (iv) one individual with expertise in public finance or infrastructure development,  
247 appointed jointly by the president of the Senate and the speaker of the House of  
248 Representatives.

249           (b) A board member may not be appointed to or serve as a member of the loan  
250 committee.

251           ~~[(2)]~~ (3) (a) The loan ~~[approval]~~ committee may ~~[approve]~~ recommend for board  
252 approval an infrastructure loan from the inland port fund~~[, as defined in Section [63A-3-401.5](#);~~  
253 to a borrower for an infrastructure project undertaken by the borrower.

254 (b) An infrastructure loan from the inland port fund may not be made unless:

255 (i) the infrastructure loan is recommended by the loan committee; and

256 (ii) the board approves the infrastructure loan.

257 ~~[(3)]~~ (4) (a) ~~[The]~~ If the loan [approval] committee recommends an infrastructure loan,  
258 the loan committee shall [establish] recommend the terms of an infrastructure loan in  
259 accordance with Section 63A-3-404.

260 (b) The ~~[loan approval committee]~~ board shall require the terms of an infrastructure  
261 loan secured by property tax differential to include a requirement that money from the  
262 infrastructure loan be used only for an infrastructure project within the project area that  
263 generates the property tax differential.

264 ~~[(c) The terms of an infrastructure loan that the loan approval committee approves may~~  
265 ~~include provisions allowing for the infrastructure loan to be forgiven if:]~~

266 ~~[(i) the infrastructure loan is to a public university in the state;]~~

267 ~~[(ii) the infrastructure loan is to fund a vehicle electrification pilot project;]~~

268 ~~[(iii) the amount of the infrastructure loan does not exceed \$15,000,000; and]~~

269 ~~[(iv) the public university receives matching funds for the vehicle electrification pilot~~  
270 ~~project from another source.]~~

271 ~~[(4)]~~ (5) (a) The ~~[loan approval committee shall]~~ board may establish policies and  
272 guidelines with respect to prioritizing requests for infrastructure loans and approving  
273 infrastructure loans.

274 (b) With respect to infrastructure loan requests for an infrastructure project on authority  
275 jurisdictional land, the policies and guidelines established under Subsection ~~[(4)(a)]~~ (5)(a) shall  
276 give priority to an infrastructure loan request that furthers the policies and best practices  
277 incorporated into the environmental sustainability component of the authority's business plan  
278 under Subsection 11-58-202(1)(a).

279 ~~[(5)]~~ (6) Within 60 days after the execution of an infrastructure loan, the ~~[loan approval~~  
280 ~~committee]~~ board shall report the infrastructure loan, including the loan amount, terms, interest  
281 rate, and security, to:

282 (a) the Executive Appropriations Committee; and  
283 (b) the State Finance Review Commission created in Section 63C-25-201.  
284 ~~[(6)]~~ (7) (a) Salaries and expenses of committee members who are legislators shall be  
285 paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3,  
286 Legislator Compensation.

287 (b) A committee member who is not a legislator may not receive compensation or  
288 benefits for the member's service on the committee, but may receive per diem and  
289 reimbursement for travel expenses incurred as a committee member at the rates established by  
290 the Division of Finance under:

- 291 (i) Sections 63A-3-106 and 63A-3-107; and
- 292 (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
293 63A-3-107.

294 Section 3. Section 11-58-205 is amended to read:

295 **11-58-205. Applicability of other law -- Cooperation of state and local**  
296 **governments -- Municipality to consider board input -- Prohibition relating to natural**  
297 **resources -- Inland port as permitted or conditional use -- Municipal services --**  
298 **Disclosure by nonauthority governing body member -- Services from state agencies --**  
299 **Procurement policy.**

300 (1) Except as otherwise provided in this chapter, the authority does not have and may  
301 not exercise any powers relating to the regulation of land uses on the authority jurisdictional  
302 land.

303 (2) The authority is subject to and governed by Sections 63E-2-106, 63E-2-107,  
304 63E-2-108, 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed  
305 by Title 63E, Independent Entities Code.

306 (3) A department, division, or other agency of the state and a political subdivision of  
307 the state shall cooperate with the authority to the fullest extent possible to provide whatever  
308 support, information, or other assistance the board requests that is reasonably necessary to help  
309 the authority fulfill its duties and responsibilities under this chapter.

310 (4) In making decisions affecting the authority jurisdictional land, the legislative body  
311 of a municipality in which the authority jurisdictional land is located shall consider input from  
312 the authority board.

313 (5) (a) No later than December 31, 2018, the ordinances of a municipality with  
314 authority jurisdictional land within its boundary shall allow an inland port as a permitted or  
315 conditional use, subject to standards that are:

- 316 (i) determined by the municipality; and
- 317 (ii) consistent with the policies and objectives stated in Subsection 11-58-203(1).

318 (b) A municipality whose ordinances do not comply with Subsection (5)(a) within the  
319 time prescribed in that subsection shall allow an inland port as a permitted use without regard  
320 to any contrary provision in the municipality's land use ordinances.

321 (6) The transporting, unloading, loading, transfer, or temporary storage of natural  
322 resources may not be prohibited on the authority jurisdictional land.

323 (7) (a) A municipality whose boundary includes authority jurisdictional land shall  
324 provide the same municipal services to the area of the municipality that is within the authority  
325 jurisdictional land as the municipality provides to other areas of the municipality with similar  
326 zoning and a similar development level.

327 (b) The level and quality of municipal services that a municipality provides within  
328 authority jurisdictional land shall be fairly and reasonably consistent with the level and quality  
329 of municipal services that the municipality provides to other areas of the municipality with  
330 similar zoning and a similar development level.

331 (8) (a) As used in this Subsection (8):

332 (i) "Direct financial benefit" means the same as that term is defined in Section  
333 11-58-304.

334 (ii) "Nonauthority governing body member" means a member of the board or other  
335 body that has authority to make decisions for a nonauthority government owner.

336 (iii) "Nonauthority government owner" mean a state agency or nonauthority local  
337 government entity that owns land that is part of the authority jurisdictional land.

338 (iv) "Nonauthority local government entity":

339 (A) means a county, city, town, metro township, local district, special service district,  
340 community reinvestment agency, or other political subdivision of the state; and

341 (B) excludes the authority.

342 (v) "State agency" means a department, division, or other agency or instrumentality of  
343 the state, including an independent state agency.

344 (b) A nonauthority governing body member who owns or has a financial interest in  
345 land that is part of the authority jurisdictional land or who reasonably expects to receive a  
346 direct financial benefit from development of authority jurisdictional land shall submit a written  
347 disclosure to the authority board and the nonauthority government owner.

348 (c) A written disclosure under Subsection (8)(b) shall describe, as applicable:

349 (i) the nonauthority governing body member's ownership or financial interest in  
350 property that is part of the authority jurisdictional land; and

351 (ii) the direct financial benefit the nonauthority governing body member expects to  
352 receive from development of authority jurisdictional land.

353 (d) A nonauthority governing body member required under Subsection (8)(b) to submit  
354 a written disclosure shall submit the disclosure no later than 30 days after:

355 (i) the nonauthority governing body member:

356 (A) acquires an ownership or financial interest in property that is part of the authority  
357 jurisdictional land; or

358 (B) first knows that the nonauthority governing body member expects to receive a  
359 direct financial benefit from the development of authority jurisdictional land; or

360 (ii) the effective date of this Subsection (8), if that date is later than the period  
361 described in Subsection (8)(d)(i).

362 (e) A written disclosure submitted under this Subsection (8) is a public record.

363 ~~[(9) No later than December 31, 2022, a primary municipality, as defined in Section~~  
364 ~~11-58-601, shall enter into an agreement with the authority under which the primary~~  
365 ~~municipality agrees to facilitate the efficient processing of land use applications, as defined in~~

366 Section ~~10-9a-103~~, relating to authority jurisdictional land within the primary municipality,  
367 including providing for at least one full-time employee as a single point of contact for the  
368 processing of those land use applications:]

369 (9) (a) The authority may request and, upon request, shall receive:

370 (i) fuel dispensing and motor pool services provided by the Division of Fleet  
371 Operations;

372 (ii) surplus property services provided by the Division of Purchasing and General  
373 Services;

374 (iii) information technology services provided by the Division of Technology Services;

375 (iv) archive services provided by the Division of Archives and Records Service;

376 (v) financial services provided by the Division of Finance;

377 (vi) human resources services provided by the Division of Human Resource

378 Management;

379 (vii) legal services provided by the Office of the Attorney General; and

380 (viii) banking services provided by the Office of the State Treasurer.

381 (b) Nothing in Subsection (9)(a) may be construed to relieve the authority of the  
382 obligation to pay the applicable fee for the service provided.

383 (10) (a) To govern authority procurements, the board shall adopt a procurement policy  
384 that the board determines to be substantially consistent with applicable provisions of Title 63G,  
385 Chapter 6a, Utah Procurement Code.

386 (b) The board may delegate to the executive director the responsibility to adopt a  
387 procurement policy.

388 (c) The board's determination under Subsection (10)(a) of substantial consistency is  
389 final and conclusive.

390 Section 4. Section **11-58-206** is amended to read:

391 **11-58-206. Port authority funds.**

392 The authority may use authority funds for any purpose authorized under this chapter,  
393 including:

- 394 (1) promoting, facilitating, and advancing inland port uses;
- 395 (2) owning and operating an intermodal facility; [~~and~~]
- 396 (3) the remediation of contaminated land within a project area; and
- 397 [~~(3)~~] (4) paying any consulting fees and staff salaries and other administrative,
- 398 overhead, legal, and operating expenses of the authority.
- 399 Section 5. Section **11-58-302** is amended to read:
- 400 **11-58-302. Number of board members -- Appointment -- Vacancies.**
- 401 (1) The authority's board shall consist of five voting members, as provided in
- 402 Subsection (2).
- 403 (2) (a) The governor shall appoint as board members two individuals who are not
- 404 elected government officials:
- 405 (i) one of whom shall be an individual engaged in statewide economic development or
- 406 corporate recruitment and retention; and
- 407 (ii) one of whom shall be an individual engaged in statewide trade, import and export
- 408 activities, foreign direct investment, or public-private partnerships.
- 409 (b) The president of the Senate shall appoint as a board member one individual with
- 410 relevant business expertise.
- 411 (c) The speaker of the House of Representatives shall appoint as a board member one
- 412 individual with relevant business expertise.
- 413 (d) The president of the Senate and speaker of the House of Representatives shall
- 414 jointly appoint as a board member one individual with relevant business expertise.
- 415 (3) (a) The board shall include three nonvoting board members.
- 416 (b) The board shall appoint as nonvoting board members two individuals with
- 417 expertise in transportation and logistics.
- 418 (c) One of the nonvoting board members shall be a member of the Salt Lake City
- 419 Council, designated by the Salt Lake City Council, who represents a council district whose
- 420 boundary includes authority jurisdictional land.
- 421 (d) The board may set the term of office for nonvoting board members appointed under

422 Subsection (3)(b).

423 (4) An individual required under Subsection (2) to appoint a board member shall  
424 appoint each initial board member the individual is required to appoint no later than June 1,  
425 2022.

426 (5) (a) A vacancy in the board shall be filled in the same manner under this section as  
427 the appointment of the member whose vacancy is being filled.

428 (b) A person appointed to fill a vacancy shall serve the remaining unexpired term of  
429 the member whose vacancy the person is filling.

430 (6) A member of the board appointed under Subsection (2) serves at the pleasure of  
431 and may be removed and replaced at any time, with or without cause, by the individual or  
432 individuals who appointed the member.

433 (7) Upon a vote of a majority of all [board] voting members, the board may appoint a  
434 board chair and any other officer of the board.

435 (8) The board may appoint one or more advisory committees that may include  
436 individuals from impacted public entities, community organizations, environmental  
437 organizations, business organizations, or other organizations or associations.

438 Section 6. Section **11-58-303** is amended to read:

439 **11-58-303. Term of board members -- Quorum -- Compensation.**

440 (1) The term of a board member appointed under Subsection **11-58-302(2)** is four  
441 years, except that the initial term of one of the two members appointed under Subsection  
442 **11-58-302(2)(a)** and of the member appointed under Subsection **11-58-302(2)(d)** is two years.

443 (2) Each board member shall serve until a successor is duly appointed and qualified.

444 (3) A board member may serve multiple terms if duly appointed to serve each term  
445 under Subsection **11-58-302(2)**.

446 (4) A majority of [board] voting members constitutes a quorum, and the action of a  
447 majority of [~~a quorum~~] voting members constitutes action of the board.

448 (5) (a) A board member who is not a legislator may not receive compensation or  
449 benefits for the member's service on the board, but may receive per diem and reimbursement

450 for travel expenses incurred as a board member as allowed in:

451 (i) Sections 63A-3-106 and 63A-3-107; and

452 (ii) rules made by the Division of Finance according to Sections 63A-3-106 and  
453 63A-3-107.

454 (b) Compensation and expenses of a board member who is a legislator are governed by  
455 Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

456 Section 7. Section 11-58-501 is amended to read:

457 **11-58-501. Preparation of project area plan -- Required contents of project area**  
458 **plan.**

459 (1) (a) ~~[The]~~ Subject to Section 11-58-605, the authority jurisdictional land constitutes  
460 a single project area.

461 (b) The authority is not required to adopt a project area plan for a project area  
462 consisting of the authority jurisdictional land.

463 (2) (a) The board may adopt a project area plan for land that is outside the authority  
464 jurisdictional land, as provided in this part, if the board receives written consent to include the  
465 land in the project area described in the project area plan from~~[-(i)]~~, as applicable:

466 ~~[(A)]~~ (i) the legislative body of the county in whose unincorporated area the land is  
467 located; or

468 ~~[(B)]~~ (ii) the legislative body of the municipality in which the land is located~~[-and]~~.  
469 ~~[(ii) the owner of the land.]~~

470 (b) (i) An owner of land proposed to be included within a project area may request that  
471 the owner's land be excluded from the project area.

472 (ii) A request under Subsection (2)(b)(i) shall be submitted to the board:

473 (A) in writing; and

474 (B) no more than 45 days after the public meeting under Subsection 11-58-502(1).

475 ~~[(b)]~~ (c) Land included or to be included within a project area need not be contiguous  
476 or in close proximity to the authority jurisdictional land.

477 ~~[(e)]~~ (d) In order to adopt a project area plan, the board shall:

- 478 (i) prepare a draft project area plan;
- 479 (ii) give notice as required under Subsection 11-58-502(2);
- 480 (iii) hold at least one public meeting, as required under Subsection 11-58-502(1); and
- 481 (iv) after holding at least one public meeting and subject to [~~Subsection (2)(d)~~]

482 Subsections (2)(b) and (e), adopt the draft project area plan as the project area plan.

483 [~~(d)~~] (e) Before adopting a draft project area plan as the project area plan, the board:

484 (i) shall eliminate from the proposed project area the land of any owner who requests  
485 the owner's land to be excluded from the project area under Subsection (2)(b); and

486 (ii) may make other modifications to the draft project area plan that the board considers  
487 necessary or appropriate.

488 (3) Each project area plan and draft project area plan shall contain:

- 489 (a) a legal description of the boundary of the project area;
- 490 (b) the authority's purposes and intent with respect to the project area; and
- 491 (c) the board's findings and determination that:
  - 492 (i) there is a need to effectuate a public purpose;
  - 493 (ii) there is a public benefit to the proposed development project;
  - 494 (iii) it is economically sound and feasible to adopt and carry out the project area plan;

495 and

496 (iv) carrying out the project area plan will promote the goals and objectives stated in  
497 Subsection 11-58-203(1).

498 Section 8. Section 11-58-505 is amended to read:

499 **11-58-505. Project area budget.**

500 (1) Before the authority may use the property tax differential from a project area, the  
501 board shall prepare and adopt a project area budget.

502 (2) A project area budget shall include:

- 503 (a) the base taxable value of property in the project area;
- 504 (b) the projected property tax differential expected to be generated within the project  
505 area;

506 (c) the amount of the property tax differential expected to be used to implement the  
507 project area plan, including the estimated amount of the property tax differential to be used for:

508 (i) land acquisition~~[-]~~;

509 (ii) public ~~[improvements,]~~ infrastructure and improvements~~[-]~~;

510 (iii) a remediation project, if applicable; and

511 (iv) loans, grants, or other incentives to private and public entities;

512 (d) the property tax differential expected to be used to cover the cost of administering  
513 the project area plan; ~~[and]~~

514 (e) the amount of property tax differential expected to be shared with other taxing  
515 entities; and

516 ~~[(e)]~~ (f) for property that the authority owns or leases and expects to sell or sublease,  
517 the expected total cost of the property to the authority and the expected selling price or lease  
518 payments.

519 (3) The board may amend an adopted project area budget as and when the board  
520 considers it appropriate.

521 (4) For a project area that consists of the authority jurisdictional land, the budget  
522 requirements of this part are met by the authority complying with the budget requirements of  
523 Part 8, Port Authority Budget, Reporting, and Audits.

524 Section 9. Section **11-58-600.5** is enacted to read:

525 **11-58-600.5. Definitions.**

526 As used in this part:

527 (1) "General differential" means property tax differential generated by a property tax  
528 levied:

529 (a) on property that is not part of the authority jurisdictional land or within a  
530 remediation project area; and

531 (b) by all taxing entities.

532 (2) "Nonmunicipal differential" means property tax differential generated from a  
533 property tax imposed:

534 (a) on property that is part of the authority jurisdictional land; and  
535 (b) by all taxing entities other than the primary municipality.  
536 (3) "Primary municipality" means the municipality that has more authority  
537 jurisdictional land within the municipality's boundary than is included within the boundary of  
538 any other municipality.

539 (4) "Primary municipality differential" means property tax differential generated by a  
540 property tax levied:

541 (a) on property in the reduced area; and  
542 (b) by the primary municipality.

543 (5) "Primary municipality's agency" means the community development and renewal  
544 agency created by a primary municipality.

545 (6) "Reduced area" means the authority jurisdictional land that is within a primary  
546 municipality, excluding:

547 (a) an area described in Subsection [11-58-600.7\(1\)](#);  
548 (b) a parcel of land described in Subsection [11-56-600.7\(2\)](#); and  
549 (c) a remediation project area, if a remediation project area is created under Section  
550 [11-58-605](#).

551 Section 10. Section **11-58-600.7** is enacted to read:

552 **11-58-600.7. Limit on tax differential the authority may receive from authority**  
553 **jurisdictional land.**

554 The authority may not receive:

555 (1) a taxing entity's portion of property tax differential generated from an area that is  
556 part of the authority jurisdictional land and included within a community reinvestment project  
557 area under a community reinvestment project area plan, as defined in Section [17C-1-102](#),  
558 adopted before October 1, 2018, if the taxing entity has, before October 1, 2018, entered into a  
559 fully executed, legally binding agreement under which the taxing entity agrees to the use of the  
560 taxing entity's tax increment, as defined in Section [17C-1-102](#), under the community  
561 reinvestment project area plan; or

- 562           (2) property tax differential from a parcel of land:
- 563           (a) that is part of the authority jurisdictional land;
- 564           (b) that was substantially developed before December 1, 2018;
- 565           (c) for which a certificate of occupancy was issued before December 1, 2018; and
- 566           (d) that is identified in a list that the municipality in which the land is located provides
- 567 to the authority and the county assessor by April 1, 2020.

568           Section 11. Section **11-58-601** is amended to read:

569           **11-58-601. General differential and nonmunicipal differential.**

570           (1) As used in this section:

571           (a) "Designation resolution" means a resolution adopted by the board that designates a  
572 transition date for the parcel specified in the resolution.

573           ~~[(b) "Exempt area" means the authority jurisdictional land that is within a primary~~  
574 ~~municipality, excluding areas described in Subsection (5)(a) and parcels of land described in~~  
575 ~~Subsection (5)(b).]~~

576           ~~[(c) "Exempt area property tax" means the same as that term is defined in Section~~  
577 ~~11-58-604.]~~

578           ~~[(d) "Post-designation differential" means 75% of property tax differential generated~~  
579 ~~from a post-designation parcel.]~~

580           ~~[(e)~~ (b) "Post-designation parcel" means a parcel within a project area after the  
581 transition date for that parcel.

582           ~~[(f) "Pre-designation differential" means 75% of property tax differential generated~~  
583 ~~from all pre-designation parcels within a project area.]~~

584           ~~[(g)~~ (c) "Pre-designation parcel" means a parcel within a project area before the  
585 transition date for that parcel.

586           ~~[(h) "Primary municipality" means the municipality that has more authority~~  
587 ~~jurisdictional land within the municipality's boundary than is included within the boundary of~~  
588 ~~any other municipality.]~~

589           ~~[(i)~~ (d) "Transition date" means the date indicated in a designation resolution after

590 which the ~~[authority is to be paid post-designation differential for the parcel that is the subject~~  
591 ~~of a designation resolution.]~~ parcel that is the subject of the designation resolution is a  
592 post-designation parcel.

593 (2) This section applies to nonmunicipal differential and general differential to be paid  
594 to the authority.

595 ~~[(2)(a)]~~ (3) The authority shall be paid ~~[pre-designation]~~ 75% of nonmunicipal  
596 differential generated [within the authority jurisdictional land] from a pre-designation parcel  
597 that is part of the authority jurisdictional land:

598 ~~[(i)]~~ (a) for the period beginning November 2019 and ending the earlier of:

599 (i) the transition date for that parcel; and

600 (ii) November 30, 2044; and

601 ~~[(ii)]~~ (b) for a period of 15 years following ~~[the period described in Subsection~~  
602 ~~(2)(a)(i)]~~ November 2044 if, before the end of ~~[the period described in Subsection (2)(a)(i);]~~  
603 November 2044:

604 (i) the parcel has not become a post-designation parcel; and

605 (ii) the board adopts a resolution [extending the period described in Subsection  
606 (2)(a)(i) for 15 years] approving the 15-year extension.

607 ~~[(b)]~~ ~~The authority shall be paid pre-designation differential generated within a project~~  
608 ~~area, other than the authority jurisdictional land:]~~

609 ~~[(i)]~~ ~~for a period of 25 years beginning the date the board adopts a project area plan~~  
610 ~~under Section ~~11-58-502~~ establishing the project area; and]~~

611 ~~[(ii)]~~ ~~for a period of 15 years following the period described in Subsection (2)(b)(i) if;~~  
612 ~~before the end of the period described in Subsection (2)(b)(i), the board adopts a resolution~~  
613 ~~extending the period described in Subsection (2)(b)(i) for 15 years:]~~

614 ~~[(3) The]~~ (4) (a) As provided in Subsection (4)(b), the authority shall be paid  
615 [post-designation]:

616 (i) 75% of nonmunicipal differential generated from a post-designation parcel that is  
617 part of the authority jurisdictional land; and

618           (ii) 75% of general differential generated from a post-designation parcel[.] that is not  
619 part of the authority jurisdictional land.

620           (b) The property tax differential paid under Subsection (4)(a) from a post-designation  
621 parcel shall be paid:

622           ~~[(a)]~~ (i) for a period of 25 years beginning on the transition date for that parcel; and  
623           ~~[(b)]~~ (ii) for a period of an additional 15 years beyond the period stated in Subsection  
624 ~~[(3)(a)]~~ (4)(b)(i) if the board determines by resolution that the additional years of  
625 ~~[post-designation]~~ nonmunicipal differential or general differential, as the case may be, from  
626 that parcel will produce a significant benefit.

627           ~~[(4)]~~ (5) (a) For purposes of this section, the authority may designate an improved  
628 portion of a parcel in a project area as a separate parcel.

629           (b) An authority designation of an improved portion of a parcel as a separate parcel  
630 under Subsection ~~[(4)]~~ (5)(a) does not constitute a subdivision, as defined in Section 10-9a-103  
631 or Section 17-27a-103.

632           (c) A county recorder shall assign a separate tax identification number to the improved  
633 portion of a parcel designated by the authority as a separate parcel under Subsection ~~[(4)]~~  
634 (5)(a).

635           ~~[(5) The authority may not receive:]~~

636           ~~[(a) a taxing entity's portion of property tax differential generated from an area~~  
637 ~~included within a community reinvestment project area under a community reinvestment~~  
638 ~~project area plan, as defined in Section 17C-1-102, adopted before October 1, 2018, if the~~  
639 ~~taxing entity has, before October 1, 2018, entered into a fully executed, legally binding~~  
640 ~~agreement under which the taxing entity agrees to the use of its tax increment, as defined in~~  
641 ~~Section 17C-1-102, under the community reinvestment project area plan; or]~~

642           ~~[(b) property tax differential from a parcel of land:]~~

643           ~~[(i) that was substantially developed before December 1, 2018;]~~

644           ~~[(ii) for which a certificate of occupancy was issued before December 1, 2018; and]~~

645           ~~[(iii) that is identified in a list that the municipality in which the land is located~~

646 provides to the authority and the county assessor by April 1, 2020.]

647 [~~(6) (a) Subsection (6)(b) applies if:~~]

648 [~~(i) the primary municipality, the primary municipality's agency, as defined in Section~~  
649 ~~11-58-604, and the authority have entered into the agreement described in Section 11-58-604;~~  
650 ~~and]~~

651 [~~(ii) the primary municipality and the authority have entered into the agreement~~  
652 ~~described in Subsection 11-58-205(9).]~~

653 [~~(b) If the conditions under Subsection (6)(a) have been met, beginning with the first~~  
654 ~~tax year that begins on or after January 1, 2023:]~~

655 [~~(i) the distribution of exempt area property tax to the authority:]~~

656 [~~(A) is not governed by Subsections (2) and (3); and]~~

657 [~~(B) is governed by Section 11-58-604; and]~~

658 [~~(ii) the primary municipality shall be paid, for the primary municipality's use for~~  
659 ~~municipal operations, all exempt area property tax remaining after the payment of exempt area~~  
660 ~~property tax as required under Section 11-58-604.]~~

661 [~~(7) (a) As used in this Subsection (7):]~~

662 [~~(i) "Agency land" means authority jurisdictional land that is within the boundary of an~~  
663 ~~eligible community reinvestment agency and from which the authority is paid property tax~~  
664 ~~differential.]~~

665 [~~(ii) "Applicable differential" means the amount of property tax differential paid to the~~  
666 ~~authority that is generated from agency land.]~~

667 [~~(iii) "Eligible community reinvestment agency" means the community reinvestment~~  
668 ~~agency in which agency land is located.]~~

669 [~~(b) The authority shall pay 10% of applicable differential to the eligible community~~  
670 ~~reinvestment agency, to be used for affordable housing as provided in Section 17C-1-412.]~~

671 [~~(8) (a) Subject to Subsection (8)(b), a county that collects property tax on property~~  
672 ~~within a project area shall, in the manner and at the time provided in Section 59-2-1365:]~~

673 [~~(i) pay and distribute to the authority the property tax differential that the authority is~~

674 entitled to collect under this chapter, including exempt area property tax the authority is  
675 entitled to collect under Section ~~11-58-604~~;

676 [(ii) pay and distribute to a primary municipality's agency, as defined in Section  
677 ~~11-58-604~~, the exempt area property tax that the primary municipality's agency is required to  
678 use for affordable housing, as provided in Subsection ~~11-58-604(4)(c)~~; and]

679 [(iii) pay and distribute to a primary municipality the exempt area property tax  
680 described in Subsection ~~(6)(b)(ii)~~.]

681 [(b) For property tax differential that a county collects for tax year 2019, a county shall  
682 pay and distribute to the authority, on or before June 30, 2020, the property tax differential that  
683 the authority is entitled to collect:]

684 [(i) according to the provisions of this section; and]

685 [(ii) based on the boundary of the authority jurisdictional land as of May 31, 2020.];

686 [(9) Notwithstanding any other provision of this chapter, beginning with the first tax  
687 year that begins on or after January 1, 2023, the authority may not use the portion of property  
688 tax differential generated by a property tax levied by a primary municipality on the exempt area  
689 unless the primary municipality, the primary municipality's agency, as defined in Section  
690 ~~11-58-604~~, and the authority have entered into an agreement as provided in Section  
691 ~~11-58-604~~.]

692 Section 12. Section **11-58-602** is amended to read:

693 **11-58-602. Allowable uses of property tax differential and other funds.**

694 (1) (a) The authority may use money from property tax differential, money the  
695 authority receives from the state, money the authority receives under Subsection  
696 ~~59-12-205(2)(a)(ii)(C)~~, and other money available to the authority:

697 (i) for any purpose authorized under this chapter;

698 (ii) for administrative, overhead, legal, consulting, and other operating expenses of the  
699 authority;

700 (iii) to pay for, including financing or refinancing, all or part of the development of  
701 land within a project area, including assisting the ongoing operation of a development or

702 facility within the project area;

703 (iv) to pay the cost of the installation and construction of public infrastructure and  
704 improvements within the project area from which the property tax differential funds were  
705 collected;

706 (v) to pay the cost of the installation of public infrastructure and improvements outside  
707 a project area if the board determines by resolution that the infrastructure and improvements  
708 are of benefit to the project area;

709 (vi) to pay to a community reinvestment agency for affordable housing, as provided in  
710 Subsection [~~11-58-601(7)~~] [11-58-606\(2\)](#);

711 (vii) to pay the principal and interest on bonds issued by the authority; [~~and~~]

712 (viii) to pay the cost of acquiring a conservation easement on land that is part of or  
713 adjacent to authority jurisdictional land:

714 (A) for the perpetual preservation of the land from development; and

715 (B) to provide a buffer area between authority jurisdictional land intended for  
716 development and land outside the boundary of the authority jurisdictional land; and

717 [~~(viii)~~] (ix) subject to Subsection (1)(b), to encourage, incentivize, or require  
718 development that:

719 (A) mitigates noise, air pollution, light pollution, surface and groundwater pollution,  
720 and other negative environmental impacts;

721 (B) mitigates traffic congestion; or

722 (C) uses high efficiency building construction and operation.

723 (b) (i) (A) The authority shall establish minimum mitigation and environmental  
724 standards that a landowner is required to meet to qualify for the use of property tax differential  
725 under Subsection (1)(a)[~~(viii)~~](ix) in the landowner's development.

726 (B) Minimum mitigation and environmental standards established under Subsection  
727 (1)(b)(i)(A) shall include a standard prohibiting the use of property tax differential as a  
728 business recruitment incentive, as defined in Section [11-58-603](#), for new commercial or  
729 industrial development or an expansion of existing commercial or industrial development

730 within the authority jurisdictional land if the new or expanded development will consume on an  
731 annual basis more than 200,000 gallons of potable water per day.

732 (ii) In establishing minimum mitigation and environmental standards, the authority  
733 shall consult with:

734 (A) the municipality in which the development is expected to occur, for development  
735 expected to occur within a municipality; or

736 (B) the county in whose unincorporated area the development is expected to occur, for  
737 development expected to occur within the unincorporated area of a county.

738 (iii) The authority may not use property tax differential under Subsection (1)(a)(viii)  
739 for a landowner's development in a project area unless the minimum mitigation and  
740 environmental standards are followed with respect to that landowner's development.

741 (2) The authority may use revenue generated from the operation of public infrastructure  
742 operated by the authority or improvements, including an intermodal facility, operated by the  
743 authority to:

744 (a) operate and maintain the infrastructure or improvements; and

745 (b) pay for authority operating expenses, including administrative, overhead, and legal  
746 expenses.

747 (3) The determination of the board under Subsection (1)(a)(v) regarding benefit to the  
748 project area is final.

749 (4) The authority may not use property tax differential revenue collected from one  
750 project area for a development project within another project area.

751 ~~[(5) Until the authority adopts a business plan under Subsection 11-58-202(1)(a), the~~  
752 ~~authority may not spend property tax differential revenue collected from authority jurisdictional~~  
753 ~~land.]~~

754 (5) The authority may use up to 10% of the general differential revenue generated from  
755 a project area to pay for affordable housing within or near the project area.

756 (6) The authority may share general differential funds with a taxing entity that levies a  
757 property tax on land within the project area from which the general differential is generated.

758            [~~(6)~~] (7) (a) As used in this Subsection [~~(6)~~] (7):

759            (i) "Authority sales and use tax revenue" means money distributed to the authority  
760 under Subsection 59-12-205(2)(a)(ii)(C).

761            (ii) "Eligible county" means a county that would be entitled to receive sales and use tax  
762 revenue under Subsection 59-12-205(2)(a)(ii)(A) in the absence of Subsection  
763 59-12-205(2)(a)(ii)(C).

764            (iii) "Eligible municipality" means a municipality that would be entitled to receive  
765 sales and use tax revenue under Subsection 59-12-205(2)(a)(ii)(A) in the absence of Subsection  
766 59-12-205(2)(a)(ii)(C).

767            (iv) "Point of sale portion" means:

768            (A) for an eligible county, the amount of sales and use tax revenue the eligible county  
769 would have received under Subsection 59-12-205(2)(a)(ii)(A) in the absence of Subsection  
770 59-12-205(2)(a)(ii)(C), excluding the retail sales portion; and

771            (B) for an eligible municipality, the amount of sales and use tax revenue the eligible  
772 municipality would have received under Subsection 59-12-205(2)(a)(ii)(A) in the absence of  
773 Subsection 59-12-205(2)(a)(ii)(C), excluding the retail sales portion.

774            (v) "Retail sales portion" means the amount of sales and use tax revenue collected  
775 under Subsection 59-12-205(2)(a)(ii)(A) from retail sales transactions that occur on authority  
776 jurisdictional land.

777            (b) Within 45 days after receiving authority sales and use tax revenue, the authority  
778 shall:

779            (i) distribute half of the point of sale portion to each eligible county and eligible  
780 municipality; and

781            (ii) distribute all of the retail sales portion to each eligible county and eligible  
782 municipality.

783            Section 13. Section 11-58-603 is amended to read:

784            **11-58-603. Use of authority money for business recruitment incentive.**

785            (1) As used in this section:

786 (a) "Business recruitment incentive" means the post-performance payment of property  
 787 tax differential as an incentive for ~~[a capital expenditure or for the creation of high-paying jobs]~~  
 788 development within a project area, as provided in this section.

789 ~~[(b) "Capital expenditure" means an expenditure of money, other than property tax~~  
 790 ~~differential:]~~

791 ~~[(i) by an applicant under an incentive application; and]~~

792 ~~[(ii) for the development of capital facilities that are:]~~

793 ~~[(A) constructed within a project area; and]~~

794 ~~[(B) focused on value-added manufacturing that optimizes the use of rail facilities.]~~

795 ~~[(c) "High-paying job" means a job:]~~

796 ~~[(i) created because of development activity within a project area; and]~~

797 ~~[(ii) that pays at least 130% of the average for all wages within the county in which the~~  
 798 ~~project area is located for the year during which an incentive application is submitted.]~~

799 ~~[(d)]~~ (b) "Incentive application" means an application for a business recruitment  
 800 incentive.

801 ~~[(e)]~~ (c) "Tax differential parcel" means a parcel of land~~[- (i) on which capital facilities~~  
 802 ~~are constructed from a capital expenditure; or (ii)]~~ where development activity occurs ~~[that~~  
 803 ~~results in the creation of high-paying jobs].~~

804 (2) The authority may use property tax differential as a business recruitment incentive  
 805 as provided in this section.

806 (3) The board shall establish:

807 (a) the requirements for a person to qualify for a business recruitment incentive;

808 (b) the application timeline, documentation requirements, and approval criteria  
 809 applicable to an incentive application; and

810 (c) the standards and criteria for approval of an incentive application~~[, consistent with~~  
 811 ~~this section].~~

812 (4) (a) Subject to Subsection (4)(b), a person may qualify for a business recruitment  
 813 incentive if:

814 (i) the person submits an incentive application according to requirements established  
815 by the board;

816 (ii) the person meets the requirements [~~under Subsection (5) or (6)~~] established by the  
817 board for a business recruitment incentive; and

818 (iii) the board approves the incentive application.

819 (b) A person may not qualify for a business recruitment incentive if the person's  
820 development project relates primarily to retail operations or the distribution of goods.

821 (5) The authority may pay a person, on a post-performance basis[~~:~~] and as determined  
822 by the board, a percentage of property tax differential:

823 (a) generated from a tax differential parcel and paid to the authority; and

824 (b) for a specified period of time.

825 [~~(a) up to 20% of the property tax differential generated from a tax differential parcel~~  
826 ~~for a period of 20 years, if the person demonstrates that at least \$1,000,000,000 of capital~~  
827 ~~expenditure will occur on the tax differential parcel due to the person's development project;]~~

828 [~~(b) up to 15% of the property tax differential generated from a tax differential parcel~~  
829 ~~for a period of 15 years, if the person demonstrates that at least \$500,000,000 of capital~~  
830 ~~expenditure will occur on the tax differential parcel due to the person's development project;~~  
831 ~~or]~~

832 [~~(c) up to 10% of the property tax differential generated from a tax differential parcel~~  
833 ~~for a period of 10 years, if the person demonstrates that at least \$100,000,000 of capital~~  
834 ~~expenditure will occur on the tax differential parcel due to the person's development project.]~~

835 [~~(6) The authority may pay a person, on a post-performance basis:]~~

836 [~~(a) up to 10% of the property tax differential generated from a tax differential parcel~~  
837 ~~for a period of 20 years, if the person demonstrates that the person's development activity on~~  
838 ~~the tax differential parcel will result in the creation of at least 1,000 high-paying jobs;]~~

839 [~~(b) up to 8% of the property tax differential generated from a tax differential parcel for~~  
840 ~~a period of 15 years, if the person demonstrates that the person's development activity on the~~  
841 ~~tax differential parcel will result in the creation of at least 500 high-paying jobs; or]~~

842           ~~[(c) up to 5% of the property tax differential generated from a tax differential parcel for~~  
843 ~~a period of 10 years, if the person demonstrates that the person's development activity on the~~  
844 ~~tax differential parcel will result in the creation of at least 250 high-paying jobs.]~~

845           ~~[(7) Subject to the limits stated in Subsections (5) and (6), the amount of property tax~~  
846 ~~differential to be paid under this section and the timing of any payment are at the discretion of~~  
847 ~~the board.]~~

848           ~~[(8) A person may not receive a business recruitment incentive under both Subsection~~  
849 ~~(5) and Subsection (6).]~~

850           Section 14. Section **11-58-604** is amended to read:

851           **11-58-604. Distribution and use of primary municipality differential.**

852           ~~[(1) As used in this section:]~~

853           ~~[(a) "Exempt area" means the same as that term is defined in Section [11-58-601](#).]~~

854           ~~[(b) "Exempt area property tax" means the portion of property tax differential~~  
855 ~~generated by a property tax levied by a primary municipality on property in the exempt area.]~~

856           ~~[(c) "Mitigation money" means the exempt area property tax required to be used as~~  
857 ~~provided in Subsections (6)(a) and (b).]~~

858           ~~[(d) "Participating entities" means a primary municipality, the primary municipality's~~  
859 ~~agency, and the authority.]~~

860           ~~[(e) "Primary municipality" means the same as that term is defined in Section~~  
861 ~~[11-58-601](#).]~~

862           ~~[(f) "Primary municipality's agency" means the community development and renewal~~  
863 ~~agency created by a primary municipality.]~~

864           ~~[(2) (a) No later than December 31, 2022, participating entities shall enter into an~~  
865 ~~agreement as provided in this section.]~~

866           ~~[(b) An agreement under Subsection (2)(a) shall:]~~

867           ~~[(i) provide:]~~

868           ~~[(A) how the authority is to spend mitigation money; or]~~

869           ~~[(B) a process for determining how the authority is to spend mitigation money;]~~

870 [~~(ii) include a requirement that the authority consult with the primary municipality in~~  
871 ~~determining how to spend mitigation money; and]~~

872 [~~(iii) require the primary municipality's agency to spend money the primary~~  
873 ~~municipality's agency receives under Subsection (4)(c) for affordable housing, as provided in~~  
874 ~~Section 17C-1-412.]~~

875 [~~(3) If participating entities enter into an agreement under this section, beginning~~  
876 ~~January 1, 2023:]~~

877 [~~(a) Subsections 11-58-601(2) and (3) do not apply to exempt area property tax; and]~~

878 [~~(b) exempt area property tax shall be paid and distributed as provided in Subsection~~  
879 ~~11-58-601(8) and in accordance with Subsections (4) and (5).]~~

880 [~~(4) If participating entities enter into an agreement under this section, beginning]~~

881 (1) This section applies to the payment and use of primary municipality differential.

882 (2) Beginning the first tax year that begins on or after January 1, 2023:

883 (a) the authority shall be paid 25% of [~~the exempt area property tax~~] primary  
884 municipality differential:

885 (i) for the authority's use as provided in Subsection [~~(6)] (4); and~~

886 (ii) (A) for a period of 25 years beginning January 1, 2023; and

887 (B) for a period of time not exceeding an additional 15 years beyond the period stated  
888 in Subsection [~~(4)] (2)(a)(ii)(A) if the board determines by resolution, adopted before the~~  
889 ~~expiration of the 25-year period under Subsection [(4)] (2)(a)(ii)(A), that the additional years~~  
890 ~~will produce a significant benefit to the uses described in Subsection [(6)] (4) and if the~~  
891 ~~primary municipality and the authority agree to the additional period of time;~~

892 (b) the authority shall be paid, in addition to the amounts under Subsection [~~(4)] (2)(a),~~  
893 ~~a percentage, as defined in Subsection [(5)] (3), of [the exempt area property tax] primary~~  
894 ~~municipality differential for the authority's use as provided in Subsection [(6)] (4); and~~

895 [~~(c) the primary municipality's agency shall be paid, for the same period of time that~~  
896 ~~the authority is paid exempt area property tax under Subsection (4)(a), 10% of exempt area~~  
897 ~~property tax, to be used for affordable housing as provided in Section 17C-1-412.]~~

898 (c) the primary municipality shall be paid, for the primary municipality's use for  
899 municipal operations, all primary municipality differential remaining after the payment of  
900 primary municipality differential to the authority as required under Subsections (2)(a) and (b).

901 ~~[(5)]~~ (3) The percentage of [the exempt area property tax] primary municipality  
902 differential paid to the authority as provided in Subsection [4] (2)(b):

903 (a) shall be 40% for the first tax year that begins on or after January 1, 2023,  
904 decreasing 2% each year after the 2023 tax year, so that in 2029 the percentage is 28;

905 (b) beginning January 1, 2030, and for a period of seven years, shall be 10%;

906 (c) beginning January 1, 2037, and for a period of 11 years, shall be 8%; and

907 (d) after 2047, shall be 0%.

908 ~~[(6)]~~ (4) Of the [exempt area property tax] primary municipality differential the  
909 authority receives, the authority shall use:

910 (a) 40% for environmental mitigation projects within the authority jurisdictional land;

911 (b) 40% for mitigation projects, which may include a regional traffic study and an  
912 environmental impact mitigation analysis, for communities that are:

913 (i) within the primary municipality;

914 (ii) adjacent to the authority jurisdictional land; and

915 (iii) west of the east boundary of the right of way of a fixed guideway used, as of  
916 January 1, 2022, for commuter rail within the primary municipality; and

917 (c) 20% for economic development activities on the authority jurisdictional land.

918 Section 15. Section **11-58-605** is enacted to read:

919 **11-58-605. Creation of remediation project area and payment of remediation**  
920 **differential.**

921 (1) As used in this section:

922 (a) "Remedial action plan" means a plan for the cleanup of contaminated land under a  
923 voluntary cleanup agreement under Title 19, Chapter 8, Voluntary Cleanup Program.

924 (b) "Subsidiary district" means a public infrastructure district that is a subsidiary of the  
925 authority.

926 (2) This section applies to a remediation project area and to remediation differential.

927 (3) The authority may adopt a resolution creating a remediation project area if the  
928 authority and the owner of contaminated land to be included in the remediation project area  
929 enter an agreement governing a remediation project within the remediation project area.

930 (4) If the authority adopts a resolution creating a remediation project area, the authority  
931 shall reconfigure the boundary of the project area that consists of the authority jurisdictional  
932 land to exclude the remediation project area.

933 (5) The authority may pay the costs of a remediation project from funds available to the  
934 authority, including funds of a subsidiary district.

935 (6) (a) If the authority pays some or all the costs of a remediation project, the authority  
936 shall be paid 100% of the remediation differential, subject to Subsection (6)(b), until the  
937 authority is fully reimbursed for the costs the authority paid for the remediation project.

938 (b) (i) Subject to Subsection (6)(b)(iii), the authority's use of remediation differential  
939 paid to the authority under Subsection (6)(a) is subject to any bonds of a subsidiary district  
940 issued before May 3, 2023 pledging property tax differential funds generated from the  
941 contaminated land.

942 (ii) Before using remediation differential to pay subsidiary district bonds described in  
943 Subsection (6)(b)(i), the authority shall use other funds available to the authority to pay the  
944 bonds.

945 (iii) A pledge of property tax differential under subsidiary district bonds issued before  
946 May 3, 2023 may be satisfied if:

947 (A) the authority or the subsidiary district pledges additional property tax differential,  
948 other than remediation differential, or other authority or subsidiary district funds to offset any  
949 decrease in property tax differential resulting from the payment under Subsection (6)(a) of  
950 remediation differential funds that would otherwise have been available to pay the subsidiary  
951 district bonds; and

952 (B) the pledge described in Subsection (6)(b)(iii)(A) is senior in right to any pledge of  
953 remediation differential for a commitment the authority makes in connection with a

954 remediation project.

955 (7) If a remediation project is conducted pursuant to a remedial action plan, the use of  
956 the land that is the subject of the remediation project shall be consistent with the remedial  
957 action plan unless the change of use:

958 (a) occurs after the government owner, as defined in Subsection 63G-7-201(3)(b), is  
959 environmentally compliant, as defined in Subsection 63G-7-201(3)(b), with respect to the land  
960 that is the subject of the remediation project; and

961 (b) is approved by the board following a public hearing on the proposed change of use.

962 (8) (a) Upon the authority receiving full reimbursement for the authority's payment of  
963 costs for a remediation project, the remediation project area is automatically and immediately  
964 dissolved and the land within the remediation project area automatically and immediately  
965 becomes part of the project area consisting of the authority jurisdictional land.

966 (b) The board shall take any action necessary to effectuate and reflect in authority  
967 project area records and any other applicable records the reincorporation of the remediation  
968 project area under Subsection (8)(a) into the project area consisting of the authority  
969 jurisdictional land.

970 Section 16. Section **11-58-606** is enacted to read:

971 **11-58-606. Distribution of property tax differential.**

972 (1) A county that collects property tax on property within a project area shall, in the  
973 manner and at the time provided in Section 59-2-1365:

974 (a) pay and distribute to the authority the property tax differential that the authority is  
975 entitled to be paid under this chapter; and

976 (b) pay and distribute to the primary municipality the primary municipality differential  
977 described in Subsection 11-58-604(2)(c).

978 (2) The authority shall pay to the primary municipality's agency, to be used for  
979 affordable housing as provided in Section 17C-1-412, 10% of all property tax differential that  
980 is:

981 (a) paid to the authority; and

982 (b) generated within the reduced area.

983 Section 17. Section **17D-4-201** is amended to read:

984 **17D-4-201. Creation -- Annexation or withdrawal of property.**

985 (1) (a) Except as provided in Subsection (1)(b), Subsection (2), and in addition to the  
986 provisions regarding creation of a local district in Title 17B, Chapter 1, Provisions Applicable  
987 to All Local Districts, a public infrastructure district may not be created unless:

988 (i) if there are any registered voters within the applicable area, a petition is filed with  
989 the creating entity that contains the signatures of 100% of registered voters within the  
990 applicable area approving the creation of the public infrastructure district; and

991 (ii) a petition is filed with the creating entity that contains the signatures of 100% of  
992 surface property owners within the applicable area consenting to the creation of the public  
993 infrastructure district.

994 (b) (i) Notwithstanding Title 17B, Chapter 1, Part 2, Creation of a Local District, and  
995 any other provision of this chapter, ~~the~~ a development authority may adopt a resolution  
996 creating a public infrastructure district ~~[as a subsidiary of the development authority]~~ if all  
997 owners of surface property proposed to be included within the public infrastructure district  
998 consent in writing to the creation of the public infrastructure district.

999 (ii) A public infrastructure district created under Subsection (1)(b)(i) may be created as  
1000 a subsidiary of the development authority that adopts the resolution creating the public  
1001 infrastructure district.

1002 (2) (a) The following do not apply to the creation of a public infrastructure district:

1003 (i) Section **17B-1-203**;

1004 (ii) Section **17B-1-204**;

1005 (iii) Subsection **17B-1-208(2)**;

1006 (iv) Section **17B-1-212**; or

1007 (v) Section **17B-1-214**.

1008 (b) The protest period described in Section **17B-1-213** may be waived in whole or in  
1009 part with the consent of:

1010 (i) 100% of registered voters within the applicable area approving the creation of the  
1011 public infrastructure district; and

1012 (ii) 100% of the surface property owners within the applicable area approving the  
1013 creation of the public infrastructure district.

1014 (c) If the protest period is waived under Subsection (2)(b), a resolution approving the  
1015 creation of the public infrastructure district may be adopted in accordance with Subsection  
1016 17B-1-213(5).

1017 (d) A petition meeting the requirements of Subsection (1):

1018 (i) may be certified under Section 17B-1-209; and

1019 (ii) shall be filed with the lieutenant governor in accordance with Subsection  
1020 17B-1-215(1)(b)(iii).

1021 (3) (a) Notwithstanding Title 17B, Chapter 1, Part 4, Annexation, an area outside of the  
1022 boundaries of a public infrastructure district may be annexed into the public infrastructure  
1023 district if the following requirements are met:

1024 (i) (A) adoption of resolutions of the board and the creating entity, each approving of  
1025 the annexation; or

1026 (B) adoption of a resolution of the board to annex the area, provided that the governing  
1027 document or creation resolution for the public infrastructure district authorizes the board to  
1028 annex an area outside of the boundaries of the public infrastructure district without future  
1029 consent of the creating entity;

1030 (ii) if there are any registered voters within the area proposed to be annexed, a petition  
1031 is filed with the creating entity that contains the signatures of 100% of registered voters within  
1032 the area, demonstrating that the registered voters approve of the annexation into the public  
1033 infrastructure district; and

1034 (iii) a petition is filed with the creating entity that contains the signatures of 100% of  
1035 surface property owners within the area proposed to be annexed, demonstrating the surface  
1036 property owners' consent to the annexation into the public infrastructure district.

1037 (b) Within 30 days of meeting the requirements of Subsection (3)(a), the board shall file

1038 with the lieutenant governor:

1039 (i) a copy of a notice of impending boundary action, as defined in Section 67-1a-6.5,  
1040 that meets the requirements of Subsection 67-1a-6.5(3); and

1041 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

1042 (4) (a) Notwithstanding Title 17B, Chapter 1, Part 5, Withdrawal, property may be  
1043 withdrawn from a public infrastructure district if the following requirements are met:

1044 (i) (A) adoption of resolutions of the board and the creating entity, each approving of  
1045 the withdrawal; or

1046 (B) adoption of a resolution of the board to withdraw the property, provided that the  
1047 governing document or creation resolution for the public infrastructure district authorizes the  
1048 board to withdraw property from the public infrastructure district without further consent from  
1049 the creating entity;

1050 (ii) if there are any registered voters within the area proposed to be withdrawn, a  
1051 petition is filed with the creating entity that contains the signatures of 100% of registered voters  
1052 within the area, demonstrating that the registered voters approve of the withdrawal from the  
1053 public infrastructure district; and

1054 (iii) a petition is filed with the creating entity that contains the signatures of 100% of  
1055 surface property owners within the area proposed to be withdrawn, demonstrating that the  
1056 surface property owners consent to the withdrawal from the public infrastructure district.

1057 (b) If any bonds that the public infrastructure district issues are allocable to the area to  
1058 be withdrawn remain unpaid at the time of the proposed withdrawal, the property remains  
1059 subject to any taxes, fees, or assessments that the public infrastructure district imposes until the  
1060 bonds or any associated refunding bonds are paid.

1061 (c) Upon meeting the requirements of Subsections (4)(a) and (b), the board shall  
1062 comply with the requirements of Section 17B-1-512.

1063 (5) A creating entity may impose limitations on the powers of a public infrastructure  
1064 district through the governing document.

1065 (6) (a) A public infrastructure district is separate and distinct from the creating entity.

- 1066 (b) (i) Except as provided in Subsection (6)(b)(ii), any financial burden of a public  
1067 infrastructure district:
- 1068 (A) is borne solely by the public infrastructure district; and
  - 1069 (B) is not borne by the creating entity, by the state, or by any municipality, county, or  
1070 other political subdivision.
- 1071 (ii) Notwithstanding Subsection (6)(b)(i) and Section 17B-1-216, the governing  
1072 document may require:
- 1073 (A) the district applicant to bear the initial costs of the public infrastructure district;  
1074 and
  - 1075 (B) the public infrastructure district to reimburse the district applicant for the initial  
1076 costs the creating entity bears.
- 1077 (c) Any liability, judgment, or claim against a public infrastructure district:
- 1078 (i) is the sole responsibility of the public infrastructure district; and
  - 1079 (ii) does not constitute a liability, judgment, or claim against the creating entity, the  
1080 state, or any municipality, county, or other political subdivision.
- 1081 (d) (i) (A) The public infrastructure district solely bears the responsibility of any  
1082 collection, enforcement, or foreclosure proceeding with regard to any tax, fee, or assessment  
1083 the public infrastructure district imposes.
- 1084 (B) The creating entity does not bear the responsibility described in Subsection  
1085 (6)(d)(i)(A).
- 1086 (ii) A public infrastructure district, and not the creating entity, shall undertake the  
1087 enforcement responsibility described in, as applicable, Subsection (6)(d)(i) in accordance with  
1088 Title 59, Chapter 2, Property Tax Act, or Title 11, Chapter 42, Assessment Area Act.
- 1089 (7) A creating entity may establish criteria in determining whether to approve or  
1090 disapprove of the creation of a public infrastructure district, including:
- 1091 (a) historical performance of the district applicant;
  - 1092 (b) compliance with the creating entity's master plan;
  - 1093 (c) credit worthiness of the district applicant;

1094 (d) plan of finance of the public infrastructure district; and

1095 (e) proposed development within the public infrastructure district.

1096 (8) (a) The creation of a public infrastructure district is subject to the sole discretion of  
1097 the creating entity responsible for approving or rejecting the creation of the public  
1098 infrastructure district.

1099 (b) The proposed creating entity bears no liability for rejecting the proposed creation of  
1100 a public infrastructure district.

1101 Section 18. Section 17D-4-203 is amended to read:

1102 **17D-4-203. Public infrastructure district powers.**

1103 A public infrastructure district ~~[shall have]~~:

1104 (1) has all of the authority conferred upon a local district under Section 17B-1-103[;  
1105 ~~and in addition a public infrastructure district may:]; and~~

1106 (2) may:

1107 ~~[(+)]~~ (a) issue negotiable bonds to pay:

1108 ~~[(a)]~~ (i) all or part of the costs of acquiring, acquiring an interest in, improving, or  
1109 extending any of the improvements, facilities, or property allowed under Section 11-14-103;

1110 ~~[(b)]~~ (ii) capital costs of improvements in an energy assessment area, as defined in  
1111 Section 11-42a-102, and other related costs, against the funds that the public infrastructure  
1112 district will receive because of an assessment in an energy assessment area, as defined in  
1113 Section 11-42a-102;

1114 ~~[(c)]~~ (iii) public improvements related to the provision of housing;

1115 ~~[(d)]~~ (iv) capital costs related to public transportation; ~~[and]~~

1116 ~~[(e)]~~ (v) for a public infrastructure district created by a development authority, the cost  
1117 of acquiring or financing public infrastructure and improvements; and

1118 (vi) for a public infrastructure district that is a subsidiary of the Utah Inland Port  
1119 Authority, the costs associated with a remediation project, as defined in Section 11-58-102;

1120 ~~[(z)]~~ (b) enter into an interlocal agreement in accordance with Title 11, Chapter 13,  
1121 Interlocal Cooperation Act, provided that the interlocal agreement may not expand the powers

1122 of the public infrastructure district, within the limitations of Title 11, Chapter 13, Interlocal  
 1123 Cooperation Act, without the consent of the creating entity;

1124 ~~[(3)]~~ (c) acquire completed or partially completed improvements for fair market value  
 1125 as reasonably determined by:

1126 ~~[(a)]~~ (i) the board;

1127 ~~[(b)]~~ (ii) the creating entity, if required in the governing document; or

1128 ~~[(c)]~~ (iii) a surveyor or engineer that a public infrastructure district employs or engages  
 1129 to perform the necessary engineering services for and to supervise the construction or  
 1130 installation of the improvements;

1131 ~~[(4)]~~ (d) contract with the creating entity for the creating entity to provide  
 1132 administrative services on behalf of the public infrastructure district, when agreed to by both  
 1133 parties, in order to achieve cost savings and economic efficiencies, at the discretion of the  
 1134 creating entity; and

1135 ~~[(5)]~~ (e) for a public infrastructure district created by a development authority:

1136 ~~[(a)]~~ (i) (A) operate and maintain public infrastructure and improvements the district  
 1137 acquires or finances; and

1138 ~~[(i)]~~ (B) use fees, assessments, or taxes to pay for the operation and maintenance of  
 1139 those public infrastructure and improvements; and

1140 ~~[(b)]~~ (ii) issue bonds under Title 11, Chapter 42, Assessment Area Act[-]; and

1141 ~~[(f)]~~ for a public infrastructure district that is a subsidiary of the Utah Inland Port

1142 Authority, pay for costs associated with a remediation project, as defined in Section [11-58-102](#),  
 1143 of the Utah Inland Port Authority.

1144 Section 19. Section **59-1-403** is amended to read:

1145 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

1146 (1) As used in this section:

1147 (a) "Distributed tax, fee, or charge" means a tax, fee, or charge:

1148 (i) the commission administers under:

1149 (A) this title, other than a tax under Chapter 12, Part 2, Local Sales and Use Tax Act;

- 1150 (B) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;
- 1151 (C) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;
- 1152 (D) Section [19-6-805](#);
- 1153 (E) Section [63H-1-205](#); or
- 1154 (F) Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges;

1155 and

1156 (ii) with respect to which the commission distributes the revenue collected from the  
1157 tax, fee, or charge to a qualifying jurisdiction.

1158 (b) "Qualifying jurisdiction" means:

- 1159 (i) a county, city, town, or metro township; [~~or~~]
- 1160 (ii) the military installation development authority created in Section [63H-1-201](#)~~[-]~~; or
- 1161 (iii) the Utah Inland Port Authority created in Section [11-58-201](#).

1162 (2) (a) Any of the following may not divulge or make known in any manner any  
1163 information gained by that person from any return filed with the commission:

- 1164 (i) a tax commissioner;
- 1165 (ii) an agent, clerk, or other officer or employee of the commission; or
- 1166 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or  
1167 town.

1168 (b) An official charged with the custody of a return filed with the commission is not  
1169 required to produce the return or evidence of anything contained in the return in any action or  
1170 proceeding in any court, except:

- 1171 (i) in accordance with judicial order;
- 1172 (ii) on behalf of the commission in any action or proceeding under:
  - 1173 (A) this title; or
  - 1174 (B) other law under which persons are required to file returns with the commission;
  - 1175 (iii) on behalf of the commission in any action or proceeding to which the commission  
1176 is a party; or
  - 1177 (iv) on behalf of any party to any action or proceeding under this title if the report or

1178 facts shown by the return are directly involved in the action or proceeding.

1179 (c) Notwithstanding Subsection (2)(b), a court may require the production of, and may  
1180 admit in evidence, any portion of a return or of the facts shown by the return, as are specifically  
1181 pertinent to the action or proceeding.

1182 (3) This section does not prohibit:

1183 (a) a person or that person's duly authorized representative from receiving a copy of  
1184 any return or report filed in connection with that person's own tax;

1185 (b) the publication of statistics as long as the statistics are classified to prevent the  
1186 identification of particular reports or returns; and

1187 (c) the inspection by the attorney general or other legal representative of the state of the  
1188 report or return of any taxpayer:

1189 (i) who brings action to set aside or review a tax based on the report or return;

1190 (ii) against whom an action or proceeding is contemplated or has been instituted under  
1191 this title; or

1192 (iii) against whom the state has an unsatisfied money judgment.

1193 (4) (a) Notwithstanding Subsection (2) and for purposes of administration, the  
1194 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative  
1195 Rulemaking Act, provide for a reciprocal exchange of information with:

1196 (i) the United States Internal Revenue Service; or

1197 (ii) the revenue service of any other state.

1198 (b) Notwithstanding Subsection (2) and for all taxes except individual income tax and  
1199 corporate franchise tax, the commission may by rule, made in accordance with Title 63G,  
1200 Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and  
1201 other written statements with the federal government, any other state, any of the political  
1202 subdivisions of another state, or any political subdivision of this state, except as limited by  
1203 Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal  
1204 government grant substantially similar privileges to this state.

1205 (c) Notwithstanding Subsection (2) and for all taxes except individual income tax and

1206 corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3,  
1207 Utah Administrative Rulemaking Act, provide for the issuance of information concerning the  
1208 identity and other information of taxpayers who have failed to file tax returns or to pay any tax  
1209 due.

1210 (d) Notwithstanding Subsection (2), the commission shall provide to the director of the  
1211 Division of Environmental Response and Remediation, as defined in Section 19-6-402, as  
1212 requested by the director of the Division of Environmental Response and Remediation, any  
1213 records, returns, or other information filed with the commission under Chapter 13, Motor and  
1214 Special Fuel Tax Act, or Section 19-6-410.5 regarding the environmental assurance program  
1215 participation fee.

1216 (e) Notwithstanding Subsection (2), at the request of any person the commission shall  
1217 provide that person sales and purchase volume data reported to the commission on a report,  
1218 return, or other information filed with the commission under:

- 1219 (i) Chapter 13, Part 2, Motor Fuel; or
- 1220 (ii) Chapter 13, Part 4, Aviation Fuel.

1221 (f) Notwithstanding Subsection (2), upon request from a tobacco product manufacturer,  
1222 as defined in Section 59-22-202, the commission shall report to the manufacturer:

1223 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the  
1224 manufacturer and reported to the commission for the previous calendar year under Section  
1225 59-14-407; and

1226 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the  
1227 manufacturer for which a tax refund was granted during the previous calendar year under  
1228 Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).

1229 (g) Notwithstanding Subsection (2), the commission shall notify manufacturers,  
1230 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited  
1231 from selling cigarettes to consumers within the state under Subsection 59-14-210(2).

1232 (h) Notwithstanding Subsection (2), the commission may:

- 1233 (i) provide to the Division of Consumer Protection within the Department of

1234 Commerce and the attorney general data:

1235 (A) reported to the commission under Section 59-14-212; or

1236 (B) related to a violation under Section 59-14-211; and

1237 (ii) upon request, provide to any person data reported to the commission under

1238 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).

1239 (i) Notwithstanding Subsection (2), the commission shall, at the request of a committee

1240 of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of

1241 Planning and Budget, provide to the committee or office the total amount of revenues collected

1242 by the commission under Chapter 24, Radioactive Waste Facility Tax Act, for the time period

1243 specified by the committee or office.

1244 (j) Notwithstanding Subsection (2), the commission shall make the directory required

1245 by Section 59-14-603 available for public inspection.

1246 (k) Notwithstanding Subsection (2), the commission may share information with

1247 federal, state, or local agencies as provided in Subsection 59-14-606(3).

1248 (l) (i) Notwithstanding Subsection (2), the commission shall provide the Office of

1249 Recovery Services within the Department of Health and Human Services any relevant

1250 information obtained from a return filed under Chapter 10, Individual Income Tax Act,

1251 regarding a taxpayer who has become obligated to the Office of Recovery Services.

1252 (ii) The information described in Subsection (4)(l)(i) may be provided by the Office of

1253 Recovery Services to any other state's child support collection agency involved in enforcing

1254 that support obligation.

1255 (m) (i) Notwithstanding Subsection (2), upon request from the state court

1256 administrator, the commission shall provide to the state court administrator, the name, address,

1257 telephone number, county of residence, and social security number on resident returns filed

1258 under Chapter 10, Individual Income Tax Act.

1259 (ii) The state court administrator may use the information described in Subsection

1260 (4)(m)(i) only as a source list for the master jury list described in Section 78B-1-106.

1261 (n) (i) As used in this Subsection (4)(n):

1262 (A) "GO Utah office" means the Governor's Office of Economic Opportunity created in  
1263 Section [63N-1a-301](#).

1264 (B) "Income tax information" means information gained by the commission that is  
1265 required to be attached to or included in a return filed with the commission under Chapter 7,  
1266 Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.

1267 (C) "Other tax information" means information gained by the commission that is  
1268 required to be attached to or included in a return filed with the commission except for a return  
1269 filed under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual  
1270 Income Tax Act.

1271 (D) "Tax information" means income tax information or other tax information.

1272 (ii) (A) Notwithstanding Subsection (2) and except as provided in Subsection  
1273 (4)(n)(ii)(B) or (C), the commission shall at the request of the GO Utah office provide to the  
1274 GO Utah office all income tax information.

1275 (B) For purposes of a request for income tax information made under Subsection  
1276 (4)(n)(ii)(A), the GO Utah office may not request and the commission may not provide to the  
1277 GO Utah office a person's address, name, social security number, or taxpayer identification  
1278 number.

1279 (C) In providing income tax information to the GO Utah office, the commission shall  
1280 in all instances protect the privacy of a person as required by Subsection (4)(n)(ii)(B).

1281 (iii) (A) Notwithstanding Subsection (2) and except as provided in Subsection  
1282 (4)(n)(iii)(B), the commission shall at the request of the GO Utah office provide to the GO  
1283 Utah office other tax information.

1284 (B) Before providing other tax information to the GO Utah office, the commission  
1285 shall redact or remove any name, address, social security number, or taxpayer identification  
1286 number.

1287 (iv) The GO Utah office may provide tax information received from the commission in  
1288 accordance with this Subsection (4)(n) only:

1289 (A) as a fiscal estimate, fiscal note information, or statistical information; and

1290 (B) if the tax information is classified to prevent the identification of a particular  
1291 return.

1292 (v) (A) A person may not request tax information from the GO Utah office under Title  
1293 63G, Chapter 2, Government Records Access and Management Act, or this section, if the GO  
1294 Utah office received the tax information from the commission in accordance with this  
1295 Subsection (4)(n).

1296 (B) The GO Utah office may not provide to a person that requests tax information in  
1297 accordance with Subsection (4)(n)(v)(A) any tax information other than the tax information the  
1298 GO Utah office provides in accordance with Subsection (4)(n)(iv).

1299 (o) Notwithstanding Subsection (2), the commission may provide to the governing  
1300 board of the agreement or a taxing official of another state, the District of Columbia, the United  
1301 States, or a territory of the United States:

1302 (i) the following relating to an agreement sales and use tax:

1303 (A) information contained in a return filed with the commission;

1304 (B) information contained in a report filed with the commission;

1305 (C) a schedule related to Subsection (4)(o)(i)(A) or (B); or

1306 (D) a document filed with the commission; or

1307 (ii) a report of an audit or investigation made with respect to an agreement sales and  
1308 use tax.

1309 (p) Notwithstanding Subsection (2), the commission may provide information  
1310 concerning a taxpayer's state income tax return or state income tax withholding information to  
1311 the Driver License Division if the Driver License Division:

1312 (i) requests the information; and

1313 (ii) provides the commission with a signed release form from the taxpayer allowing the  
1314 Driver License Division access to the information.

1315 (q) Notwithstanding Subsection (2), the commission shall provide to the Utah  
1316 Communications Authority, or a division of the Utah Communications Authority, the  
1317 information requested by the authority under Sections [63H-7a-302](#), [63H-7a-402](#), and

1318 [63H-7a-502](#).

1319 (r) Notwithstanding Subsection (2), the commission shall provide to the Utah  
1320 Educational Savings Plan information related to a resident or nonresident individual's  
1321 contribution to a Utah Educational Savings Plan account as designated on the resident or  
1322 nonresident's individual income tax return as provided under Section [59-10-1313](#).

1323 (s) Notwithstanding Subsection (2), for the purpose of verifying eligibility under  
1324 Sections [26-18-2.5](#) and [26-40-105](#), the commission shall provide an eligibility worker with the  
1325 Department of Health or its designee with the adjusted gross income of an individual if:

1326 (i) an eligibility worker with the Department of Health and Human Services or its  
1327 designee requests the information from the commission; and

1328 (ii) the eligibility worker has complied with the identity verification and consent  
1329 provisions of Sections [26-18-2.5](#) and [26-40-105](#).

1330 (t) Notwithstanding Subsection (2), the commission may provide to a county, as  
1331 determined by the commission, information declared on an individual income tax return in  
1332 accordance with Section [59-10-103.1](#) that relates to eligibility to claim a residential exemption  
1333 authorized under Section [59-2-103](#).

1334 (u) Notwithstanding Subsection (2), the commission shall provide a report regarding  
1335 any access line provider that is over 90 days delinquent in payment to the commission of  
1336 amounts the access line provider owes under Title 69, Chapter 2, Part 4, Prepaid Wireless  
1337 Telecommunications Service Charges, to the board of the Utah Communications Authority  
1338 created in Section [63H-7a-201](#).

1339 (v) Notwithstanding Subsection (2), the commission shall provide the Department of  
1340 Environmental Quality a report on the amount of tax paid by a radioactive waste facility for the  
1341 previous calendar year under Section [59-24-103.5](#).

1342 (w) Notwithstanding Subsection (2), the commission may, upon request, provide to the  
1343 Department of Workforce Services any information received under Chapter 10, Part 4,  
1344 Withholding of Tax, that is relevant to the duties of the Department of Workforce Services.

1345 (x) Notwithstanding Subsection (2), the commission may provide the Public Service

1346 Commission or the Division of Public Utilities information related to a seller that collects and  
1347 remits to the commission a charge described in Subsection 69-2-405(2), including the seller's  
1348 identity and the number of charges described in Subsection 69-2-405(2) that the seller collects.

1349 (y) (i) Notwithstanding Subsection (2), the commission shall provide to each qualifying  
1350 jurisdiction the collection data necessary to verify the revenue collected by the commission for  
1351 a distributed tax, fee, or charge collected within the qualifying jurisdiction.

1352 (ii) In addition to the information provided under Subsection (4)(y)(i), the commission  
1353 shall provide a qualifying jurisdiction with copies of returns and other information relating to a  
1354 distributed tax, fee, or charge collected within the qualifying jurisdiction.

1355 (iii) (A) To obtain the information described in Subsection (4)(y)(ii), the chief  
1356 executive officer or the chief executive officer's designee of the qualifying jurisdiction shall  
1357 submit a written request to the commission that states the specific information sought and how  
1358 the qualifying jurisdiction intends to use the information.

1359 (B) The information described in Subsection (4)(y)(ii) is available only in official  
1360 matters of the qualifying jurisdiction.

1361 (iv) Information that a qualifying jurisdiction receives in response to a request under  
1362 this subsection is:

1363 (A) classified as a private record under Title 63G, Chapter 2, Government Records  
1364 Access and Management Act; and

1365 (B) subject to the confidentiality requirements of this section.

1366 (z) Notwithstanding Subsection (2), the commission shall provide the Alcoholic  
1367 Beverage Services Commission, upon request, with taxpayer status information related to state  
1368 tax obligations necessary to comply with the requirements described in Section 32B-1-203.

1369 (5) (a) Each report and return shall be preserved for at least three years.

1370 (b) After the three-year period provided in Subsection (5)(a) the commission may  
1371 destroy a report or return.

1372 (6) (a) Any individual who violates this section is guilty of a class A misdemeanor.

1373 (b) If the individual described in Subsection (6)(a) is an officer or employee of the

1374 state, the individual shall be dismissed from office and be disqualified from holding public  
1375 office in this state for a period of five years thereafter.

1376 (c) Notwithstanding Subsection (6)(a) or (b), the GO Utah office, when requesting  
1377 information in accordance with Subsection (4)(n)(iii), or an individual who requests  
1378 information in accordance with Subsection (4)(n)(v):

1379 (i) is not guilty of a class A misdemeanor; and

1380 (ii) is not subject to:

1381 (A) dismissal from office in accordance with Subsection (6)(b); or

1382 (B) disqualification from holding public office in accordance with Subsection (6)(b).

1383 (7) Except as provided in Section 59-1-404, this part does not apply to the property tax.

1384 Section 20. Section 63A-3-401.5 is amended to read:

1385 **63A-3-401.5. Definitions.**

1386 As used in this part:

1387 (1) "Borrower" means a person who borrows money from an infrastructure fund for an  
1388 infrastructure project.

1389 (2) "Independent political subdivision" means:

1390 (a) the Utah Inland Port Authority created in Section 11-58-201;

1391 (b) the Point of the Mountain State Land Authority created in Section 11-59-201; or

1392 (c) the Military Installation Development Authority created in Section 63H-1-201.

1393 (3) "Infrastructure fund" means a fund created in Subsection 63A-3-402(1).

1394 (4) "Infrastructure loan" means a loan of infrastructure fund money to finance an  
1395 infrastructure project.

1396 (5) "Infrastructure project" means a project to acquire, construct, reconstruct,  
1397 rehabilitate, equip, or improve public infrastructure and improvements:

1398 (a) within a project area; or

1399 (b) outside a project area, if the respective loan approval body determines by resolution  
1400 that the public infrastructure and improvements are of benefit to the project area.

1401 (6) "Inland port" means the same as that term is defined in Section 11-58-102.

- 1402 (7) "Inland port fund" means the infrastructure fund created in Subsection  
1403 [63A-3-402\(1\)\(a\)](#).
- 1404 (8) "Military development fund" means the infrastructure fund created in Subsection  
1405 [63A-3-402\(1\)\(c\)](#).
- 1406 (9) "Point of the mountain fund" means the infrastructure fund created in Subsection  
1407 [63A-3-402\(1\)\(b\)](#).
- 1408 (10) "Project area" means:
- 1409 (a) the same as that term is defined in Section [11-58-102](#), for purposes of an  
1410 infrastructure loan from the inland port fund;
- 1411 (b) the point of the mountain state land, as defined in Section [11-59-102](#), for purposes  
1412 of an infrastructure loan from the point of the mountain fund; and
- 1413 (c) the same as that term is defined in Section [63H-1-102](#), for purposes of an  
1414 infrastructure loan from the military development fund.
- 1415 (11) "Property tax revenue" means:
- 1416 (a) property tax differential, as defined in Section [11-58-102](#), for purposes of an  
1417 infrastructure loan from the inland port fund; or
- 1418 (b) property tax allocation, as defined in Section [63H-1-102](#), for purposes of an  
1419 infrastructure loan from the military development fund.
- 1420 (12) "Public infrastructure and improvements":
- 1421 (a) means the same as that term is defined in Section [11-58-102](#), for purposes of an  
1422 infrastructure loan from the inland port fund;
- 1423 (b) means publicly owned infrastructure and improvements, as defined in Section  
1424 [11-59-102](#), for purposes of an infrastructure loan from the point of the mountain fund; and
- 1425 (c) means the same as that term is defined in Section [63H-1-102](#), for purposes of an  
1426 infrastructure loan from the military development fund.
- 1427 (13) "Respective loan approval body" means:
- 1428 (a) the ~~[committee]~~ board created in Section ~~[11-58-106]~~ [11-58-301](#), for purposes of an  
1429 infrastructure loan from the inland port fund;

1430 (b) the board created in Section 11-59-301, for purposes of an infrastructure loan from  
1431 the point of the mountain fund; and

1432 (c) the committee created in Section 63H-1-104, for purposes of an infrastructure loan  
1433 from the military development fund.

1434 Section 21. Section 63A-3-402 is amended to read:

1435 **63A-3-402. Infrastructure funds established -- Purpose of funds -- Use of money**  
1436 **in funds.**

1437 (1) There are created, as enterprise revolving loan funds:

1438 (a) the inland port infrastructure revolving loan fund;

1439 (b) the point of the mountain infrastructure revolving loan fund; and

1440 (c) the military development infrastructure revolving loan fund.

1441 (2) The purpose of each infrastructure fund is to provide funding, through  
1442 infrastructure loans, for infrastructure projects undertaken by a borrower.

1443 (3) (a) Money in an infrastructure fund may be used only to provide loans for  
1444 infrastructure projects.

1445 (b) The division may not loan money in an infrastructure fund without the approval of:

1446 (i) the respective loan approval body; and

1447 (ii) the Executive Appropriations Committee of the Legislature, for a loan from the  
1448 inland port fund or the point of the mountain fund.

1449 Section 22. Section 63B-27-101 is amended to read:

1450 **63B-27-101. Highway bonds -- Maximum amount -- Use of proceeds for highway**  
1451 **projects.**

1452 (1) (a) Subject to the restriction in Subsection (1)(c), the total amount of bonds issued  
1453 under this section may not exceed \$1,000,000,000 for acquisition and construction proceeds,  
1454 plus additional amounts necessary to pay costs of issuance, to pay capitalized interest, and to  
1455 fund any existing debt service reserve requirements, with the total amount of the bonds not to  
1456 exceed \$1,010,000,000.

1457 (b) When the Department of Transportation certifies to the commission that the

1458 requirements of Subsection 72-2-124(7) have been met and certifies the amount of bond  
1459 proceeds that the commission needs to provide funding for the projects described in Subsection  
1460 (2) for the current or next fiscal year, the commission may issue and sell general obligation  
1461 bonds in an amount equal to the certified amount, plus additional amounts necessary to pay  
1462 costs of issuance, to pay capitalized interest, and to fund any existing debt service reserve  
1463 requirements, not to exceed 1% of the certified amount.

1464 (c) The commission may not issue general obligation bonds authorized under this  
1465 section if the issuance of the general obligation bonds would result in the total current  
1466 outstanding general obligation debt of the state exceeding 50% of the limitation described in  
1467 the Utah Constitution, Article XIV, Section 1.

1468 (2) Except as provided in Subsections (3) and (4), proceeds from the issuance of bonds  
1469 shall be provided to the Department of Transportation to pay all or part of the costs of the  
1470 following state highway construction or reconstruction projects:

1471 (a) state and federal highways prioritized by the Transportation Commission through  
1472 the prioritization process for new transportation capacity projects adopted under Section  
1473 72-1-304, giving priority consideration for projects with a regional significance or that support  
1474 economic development within the state, including:

1475 (i) projects that are prioritized but exceed available cash flow beyond the normal  
1476 programming horizon; or

1477 (ii) projects prioritized in the state highway construction program; and

1478 (b) \$100,000,000 to be used by the Department of Transportation for transportation  
1479 improvements as prioritized by the Transportation Commission for projects that:

1480 (i) have a significant economic development impact associated with recreation and  
1481 tourism within the state; and

1482 (ii) address significant needs for congestion mitigation.

1483 (3) (a) Forty-six million dollars of the bond proceeds issued under this section shall be  
1484 provided to the State Infrastructure Bank Fund created by Section 72-2-202 to make funds  
1485 available for a transportation infrastructure loan or transportation infrastructure assistance

1486 under Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, including the amounts as  
1487 follows:

1488 (i) subject to Subsection (3)(b), \$14,000,000 to the military installation development  
1489 authority created in Section [63H-1-201](#);

1490 (ii) \$5,000,000 to the Inland Port Authority created in Section [11-58-201](#), for highway,  
1491 infrastructure, and rail right-of-way acquisition, design, engineering, and construction, to be  
1492 repaid through tax differential; and

1493 (iii) \$7,000,000 to Midvale City for a parking structure in proximity to an intermodal  
1494 transportation facility that enhances economic development within the city.

1495 (b) When the loan described in Subsection (3)(a)(i) is transferred in accordance with  
1496 Section [72-2-202](#), the bond proceeds for the loan shall be provided to the military development  
1497 infrastructure revolving loan fund created in Section [63A-3-402](#).

1498 (c) When the funds described in Subsection (3)(a)(ii) are transferred in accordance with  
1499 Subsection [72-2-2\(8\)](#), the funds shall be provided to the inland port infrastructure revolving  
1500 loan fund created in Section [63A-3-402](#).

1501 (4) (a) Four million dollars of the bond proceeds issued under this section shall be used  
1502 for a public transit fixed guideway rail station associated with or adjacent to an institution of  
1503 higher education.

1504 (b) Nineteen million dollars of the bond proceeds issued under this section shall be used  
1505 by the Department of Transportation for the design, engineering, construction, or  
1506 reconstruction of underpasses under a state highway connecting a state park and a project area  
1507 created by a military installation development authority created in Section [63H-1-201](#).

1508 (c) Nine million dollars of the bond proceeds issued under this section shall be used by  
1509 the Department of Transportation for infrastructure improvements related to the Provo Airport.

1510 (d) If project savings are identified by the Department of Transportation from the funds  
1511 provided to the Department of Transportation as described in this section, the Department of  
1512 Transportation may use available funding to study, design, engineer, and construct rail access  
1513 through I-80 in western Salt Lake County.

1514 (5) The bond proceeds issued under this section shall be provided to the Department of  
1515 Transportation.

1516 (6) The costs under Subsection (2) may include the costs of studies necessary to make  
1517 transportation infrastructure improvements, the costs of acquiring land, interests in land, and  
1518 easements and rights-of-way, the costs of improving sites, and making all improvements  
1519 necessary, incidental, or convenient to the facilities, and the costs of interest estimated to  
1520 accrue on these bonds during the period to be covered by construction of the projects plus a  
1521 period of six months after the end of the construction period, interest estimated to accrue on  
1522 any bond anticipation notes issued under the authority of this title, and all related engineering,  
1523 architectural, and legal fees.

1524 (7) The commission or the state treasurer may make any statement of intent relating to  
1525 a reimbursement that is necessary or desirable to comply with federal tax law.

1526 (8) The Department of Transportation may enter into agreements related to the projects  
1527 described in Subsection (2) before the receipt of proceeds of bonds issued under this section.

1528 Section 23. Section **63G-7-201** is amended to read:

1529 **63G-7-201. Immunity of governmental entities and employees from suit.**

1530 (1) Except as otherwise provided in this chapter, each governmental entity and each  
1531 employee of a governmental entity are immune from suit for any injury that results from the  
1532 exercise of a governmental function.

1533 (2) Notwithstanding the waiver of immunity provisions of Section **63G-7-301**, a  
1534 governmental entity, its officers, and its employees are immune from suit:

1535 (a) as provided in Section **78B-4-517**; and

1536 (b) for any injury or damage resulting from the implementation of or the failure to  
1537 implement measures to:

1538 (i) control the causes of epidemic and communicable diseases and other conditions  
1539 significantly affecting the public health or necessary to protect the public health as set out in  
1540 Title 26A, Chapter 1, Local Health Departments;

1541 (ii) investigate and control suspected bioterrorism and disease as set out in Title 26,

1542 Chapter 23b, Detection of Public Health Emergencies Act;

1543 (iii) respond to a national, state, or local emergency, a public health emergency as  
1544 defined in Section [26-23b-102](#), or a declaration by the President of the United States or other  
1545 federal official requesting public health related activities, including the use, provision,  
1546 operation, and management of:

1547 (A) an emergency shelter;

1548 (B) housing;

1549 (C) a staging place; or

1550 (D) a medical facility; and

1551 (iv) adopt methods or measures, in accordance with Section [26-1-30](#), for health care  
1552 providers, public health entities, and health care insurers to coordinate among themselves to  
1553 verify the identity of the individuals they serve.

1554 (3) (a) A governmental entity, its officers, and its employees are immune from suit, and  
1555 immunity is not waived, for any injury if the injury arises out of or in connection with, or  
1556 results from:

1557 ~~[(a)]~~ (i) a latent dangerous or latent defective condition of:

1558 ~~[(i)]~~ (A) any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge,  
1559 or viaduct; or

1560 ~~[(ii)]~~ (B) another structure located on any of the items listed in Subsection (3)(a)(i); or

1561 ~~[(b)]~~ (ii) a latent dangerous or latent defective condition of any public building,  
1562 structure, dam, reservoir, or other public improvement.

1563 (b) (i) As used in this Subsection (3)(b):

1564 (A) "Contaminated land" means the same as that term is defined in Section [11-58-102](#).

1565 (B) "Contamination" means the condition of land that results from the placement,  
1566 disposal, or release of hazardous matter on, in, or under the land, including any seeping or  
1567 escaping of the hazardous matter from the land.

1568 (C) "Damage" means any property damage, personal injury, or other injury or any loss  
1569 of any kind, however denominated.

1570 (D) "Environmentally compliant" means, as applicable, obtaining a certificate of  
1571 completion from the Department of Environmental Quality under Section 19-8-111 following  
1572 participation in a voluntary cleanup under Title 19, Chapter 8, Voluntary Cleanup Program,  
1573 obtaining an administrative letter from the Department of Environmental Quality for a discrete  
1574 phase of a voluntary cleanup that is conducted under a remedial action plan as defined in  
1575 Section 11-58-605, or complying with the terms of an environmental covenant, as defined in  
1576 Section 57-25-102, signed by an agency, as defined in Section 57-25-102, and duly recorded in  
1577 the office of the recorder of the county in which the contaminated land is located.

1578 (E) "Government owner" means a governmental entity, including an independent  
1579 entity, as defined in Section 63E-1-102, that acquires an ownership interest in land that was  
1580 contaminated land before the governmental entity or independent entity acquired an ownership  
1581 interest in the land.

1582 (F) "Hazardous matter" means hazardous materials, as defined in Section 19-6-302,  
1583 hazardous substances, as defined in Section 19-6-302, or landfill material, as defined in Section  
1584 11-58-102.

1585 (G) "Remediation" means the same as that term is defined in Section 11-58-102.

1586 (ii) (A) A government owner and the government owner's officers and employees are  
1587 immune from suit, and immunity is not waived, for any claim for damage that arises out of or  
1588 in connection with, or results from, contamination of contaminated land.

1589 (B) A government owner's ownership of contaminated land may not be the basis of a  
1590 claim against the government owner for damage that arises out of or in connection with, or  
1591 results from, contamination of contaminated land.

1592 (iii) Subsection (3)(b)(ii) does not limit or affect:

1593 (A) the liability of a person that placed, disposed of, or released hazardous matter on,  
1594 in, or under the land; or

1595 (B) a worker compensation claim of an employee of an entity that conducts work on or  
1596 related to contaminated land.

1597 (iv) Immunity under Subsection (3)(b)(ii)(A) is not affected by a government owner's

1598 remediation of contaminated land if the government owner is environmentally compliant.

1599 (4) A governmental entity, its officers, and its employees are immune from suit, and  
1600 immunity is not waived, for any injury proximately caused by a negligent act or omission of an  
1601 employee committed within the scope of employment, if the injury arises out of or in  
1602 connection with, or results from:

1603 (a) the exercise or performance, or the failure to exercise or perform, a discretionary  
1604 function, whether or not the discretion is abused;

1605 (b) except as provided in Subsections 63G-7-301(2)(j), (3), and (4), assault, battery,  
1606 false imprisonment, false arrest, malicious prosecution, intentional trespass, abuse of process,  
1607 libel, slander, deceit, interference with contract rights, infliction of mental anguish, or violation  
1608 of civil rights;

1609 (c) the issuance, denial, suspension, or revocation of, or the failure or refusal to issue,  
1610 deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar  
1611 authorization;

1612 (d) a failure to make an inspection or making an inadequate or negligent inspection;

1613 (e) the institution or prosecution of any judicial or administrative proceeding, even if  
1614 malicious or without probable cause;

1615 (f) a misrepresentation by an employee whether or not the misrepresentation is  
1616 negligent or intentional;

1617 (g) a riot, unlawful assembly, public demonstration, mob violence, or civil disturbance;

1618 (h) the collection or assessment of taxes;

1619 (i) an activity of the Utah National Guard;

1620 (j) the incarceration of a person in a state prison, county or city jail, or other place of  
1621 legal confinement;

1622 (k) a natural condition on publicly owned or controlled land;

1623 (l) a condition existing in connection with an abandoned mine or mining operation;

1624 (m) an activity authorized by the School and Institutional Trust Lands Administration  
1625 or the Division of Forestry, Fire, and State Lands;

1626 (n) the operation or existence of a pedestrian or equestrian trail that is along a ditch,  
1627 canal, stream, or river, regardless of ownership or operation of the ditch, canal, stream, or river,  
1628 if:

1629 (i) the trail is designated under a general plan adopted by a municipality under Section  
1630 10-9a-401 or by a county under Section 17-27a-401;

1631 (ii) the trail right-of-way or the right-of-way where the trail is located is open to public  
1632 use as evidenced by a written agreement between:

1633 (A) the owner or operator of the trail right-of-way or of the right-of-way where the trail  
1634 is located; and

1635 (B) the municipality or county where the trail is located; and

1636 (iii) the written agreement:

1637 (A) contains a plan for operation and maintenance of the trail; and

1638 (B) provides that an owner or operator of the trail right-of-way or of the right-of-way  
1639 where the trail is located has, at a minimum, the same level of immunity from suit as the  
1640 governmental entity in connection with or resulting from the use of the trail;

1641 (o) research or implementation of cloud management or seeding for the clearing of fog;

1642 (p) the management of flood waters, earthquakes, or natural disasters;

1643 (q) the construction, repair, or operation of flood or storm systems;

1644 (r) the operation of an emergency vehicle, while being driven in accordance with the  
1645 requirements of Section 41-6a-212;

1646 (s) the activity of:

1647 (i) providing emergency medical assistance;

1648 (ii) fighting fire;

1649 (iii) regulating, mitigating, or handling hazardous materials or hazardous wastes;

1650 (iv) an emergency evacuation;

1651 (v) transporting or removing an injured person to a place where emergency medical  
1652 assistance can be rendered or where the person can be transported by a licensed ambulance  
1653 service; or

- 1654 (vi) intervening during a dam emergency;
  - 1655 (t) the exercise or performance, or the failure to exercise or perform, any function
  - 1656 pursuant to Title 73, Chapter 10, Board of Water Resources - Division of Water Resources;
  - 1657 (u) an unauthorized access to government records, data, or electronic information
  - 1658 systems by any person or entity;
  - 1659 (v) an activity of wildlife, as defined in Section 23-13-2, that arises during the use of a
  - 1660 public or private road; or
  - 1661 (w) a communication between employees of one or more law enforcement agencies
  - 1662 related to the employment, disciplinary history, character, professional competence, or physical
  - 1663 or mental health of a peace officer, or a former, current, or prospective employee of a law
  - 1664 enforcement agency, including any communication made in accordance with Section
  - 1665 53-14-101.
- 1666 Section 24. Section 72-2-202 is amended to read:
- 1667 **72-2-202. State Infrastructure Bank Fund -- Creation -- Use of money.**
- 1668 (1) There is created a revolving loan fund entitled the State Infrastructure Bank Fund.
  - 1669 (2) (a) The fund consists of money generated from the following revenue sources:
  - 1670 (i) appropriations made to the fund by the Legislature;
  - 1671 (ii) federal money and grants that are deposited in the fund;
  - 1672 (iii) money transferred to the fund by the commission from other money available to
  - 1673 the department;
  - 1674 (iv) state grants that are deposited in the fund;
  - 1675 (v) contributions or grants from any other private or public sources for deposit into the
  - 1676 fund; and
  - 1677 (vi) subject to Subsection (2)(b), all money collected from repayments of fund money
  - 1678 used for infrastructure loans or infrastructure assistance.
  - 1679 (b) When a loan from the fund is repaid, the department may request and the
  - 1680 Legislature may transfer from the fund to the source from which the money originated an
  - 1681 amount equal to the repaid loan.

- 1682 (3) (a) The fund shall earn interest.
- 1683 (b) All interest earned on fund money shall be deposited into the fund.
- 1684 (4) Money in the fund shall be used by the department, as prioritized by the
- 1685 commission, only to:
  - 1686 (a) provide infrastructure loans or infrastructure assistance; and
  - 1687 (b) pay the department for the costs of administering the fund, providing infrastructure
  - 1688 loans or infrastructure assistance, monitoring transportation projects and publicly owned
  - 1689 infrastructure projects, and obtaining repayments of infrastructure loans or infrastructure
  - 1690 assistance.
- 1691 (5) (a) The department may establish separate accounts in the fund for infrastructure
- 1692 loans, infrastructure assistance, administrative and operating expenses, or any other purpose to
- 1693 implement this part.
  - 1694 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
  - 1695 department may make rules governing how the fund and its accounts may be held by an escrow
  - 1696 agent.
- 1697 (6) Fund money shall be invested by the state treasurer as provided in Title 51, Chapter
- 1698 7, State Money Management Act, and the earnings from the investments shall be credited to the
- 1699 fund.
- 1700 (7) Before July 1, 2022, the department shall transfer the loan described in Subsection
- 1701 [63B-27-101\(3\)\(a\)\(i\)](#) from the State Infrastructure Bank Fund to the military development
- 1702 infrastructure revolving loan fund created in Section [63A-3-402](#).
- 1703 (8) Before July 1, 2023, the department shall transfer the funds described in Subsection
- 1704 [63B-27-101\(3\)\(a\)\(ii\)](#) from the State Infrastructure Bank Fund to the inland port infrastructure
- 1705 revolving loan fund created in Section [63A-3-402](#).

1706 Section 25. Section **78B-6-2401** is enacted to read:

1707 **Part 24. Claims to Which Immunity Applies**

1708 **78B-6-2401. Definitions.**

1709 As used in this part:

1710 (1) "Contamination claim" means a claim for which a government owner and the  
1711 government owner's officers and employees have immunity under Subsection 63G-7-201(3)(b).

1712 (2) "Government owner" means the same as that term is defined in Subsection  
1713 63G-7-201(3).

1714 Section 26. Section **78B-6-2402** is enacted to read:

1715 **78B-6-2402. Award of double attorney fees and costs.**

1716 If a person asserts a contamination claim against a government owner or an officer or  
1717 employee of the government owner for which the government owner or officer or employee are  
1718 found to be immune under Subsection 63G-7-201(3)(b), the court shall award the government  
1719 owner or officer or employee double the attorney fees and costs incurred by the government  
1720 owner or officer or employee in defending the claim.

1721 Section 27. **Repealer.**

1722 This bill repeals:

1723 Section **11-58-207, Projects benefitting authority jurisdictional land.**

1724 Section 28. **Effective date.**

1725 If approved by two-thirds of all the members elected to each house, this bill takes effect  
1726 upon approval by the governor, or the day following the constitutional time limit of Utah  
1727 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
1728 the date of veto override.